

JOURNAL

OF THE

SENATE

OF THE

COMMONWEALTH OF KENTUCKY,

BEGUN AND HELD IN THE TOWN OF FRANKFORT, ON MON-
DAY THE FIRST DAY OF DECEMBER 1817, AND OF THE
COMMONWEALTH THE TWENTY-SIXTH.

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JOURNAL OF THE SENATE.

AT A GENERAL ASSEMBLY for the commonwealth of Kentucky, begun and held in the state-house in the town of Frankfort, on Monday the first day of December, in the year of our Lord one thousand eight hundred and seventeen, and in the twenty-sixth year of the commonwealth.

On which day (being the day appointed by law for the annual meeting of the general assembly) the following members of the senate appeared and took their seats, to wit:

Anthony Bartlett, from Henry county; Harman Bowmar, Woodford and Jessamine; William T. Barry, Fayette; Jesse Bledsoe, Bourbon; John L. Bridges, Mercer; Samuel Churchill, Jefferson and Bullitt; James Crutcher, Hardin; Joseph Eve, Knox and Clay; John Faulkner, Garrard; Dickson Given, Livingston and Caldwell; John Griffin, Pulaski and Casey; William Hardin, Breckenridge, Grayson and Butler; Thomas G. Harrison, Washington; Francis Johnson, Warren and Allen; Humphrey Jones, Madison; James Mason, Montgomery and Estill; William Owens, Green and Adair; James Parks, Fleming and Nicholas; Josephus Perrin, Harrison and Bracken; James Simrall, Shelby; Benjamin South, Bath, Floyd and Greenup; Richard Southgate, Campbell, Pendleton and Boone; Richard Taylor, Franklin and Gallatin; Hubbard Taylor, Clarke; David Thompson, Scott; Joseph Welch, Lincoln; Martin H. Wickliff, Nelson; William Wood, Cumberland and Wayne; William Worthington, Muhlenburg, Hopkins and Union; Joel Yancey, Barren.

The said William T. Barry, Jesse Bledsoe, John L. Bridges, James Crutcher, Joseph Eve, Dickson Given, Thomas G. Harrison, Francis Johnson, Richard Southgate and William Wood, produced certificates of having been duly elected; and having taken the oaths prescribed by law, severally repaired to their seats.

A quorum, consisting of a majority of the whole number of senators, being present; the lieutenant governor being absent, who is administering the government, in consequence

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of the death of the governor, the senate proceeded to elect a speaker for the occasion.

Mr. Robert Ewing and Mr. Francis Johnson were put in nomination for that office, who immediately withdrew.

A vote was then taken, which stood thus :

For Mr. Ewing—Messrs. Bartlett, Bridges, Crutcher, Faulkner, Given, Griffin, Hardin, Harrison, Jones, Mason, Owens, Simrall, Southgate, R. Taylor, Welch, Wickliff, Wood and Worthington—18.

For Mr. Johnson—Messrs. Barry, Bledsoe, Bowmar, Chambers, Eve, Parks, Perrin, South, H. Taylor, Thompson and Yancey—11.

Whereupon Mr. R. Ewing was declared to be duly elected speaker of the senate for the occasion aforesaid ; who was forthwith conducted to the chair by Messrs. Worthington and Yancey, from whence he made acknowledgments for the honor and confidence reposed in him, and recommended the preservation of order and decorum.

Willis A. Lee was elected clerk, Anthony Crockett sergeant-at-arms, and David Johnson door-keeper, unanimously ; who thereupon severally took the oaths of office required by law.

The senate then proceeded to the election of a clerk to the standing committees ; when Mr. Cuthbert Anderson, Mr. Samuel A. Vanduson, and Mr. David Robeson, were nominated ; and a vote being taken, Mr. Anderson was found to be duly elected ; who thereupon took the oaths required by law.

A message from the house of representatives, by Mr. Rowan :

Mr. Speaker—I am instructed to inform the senate that the house of representatives have formed a quorum, and are now ready to proceed to legislative business.

And then he withdrew.

Ordered, That a message be sent to the house of representatives, informing them that a quorum of the senate have assembled, and are ready to proceed to legislative business.

Ordered, That the clerk do carry the said message, and inform the house of representatives that Mr. Robert Ewing is chosen speaker of the senate.

A message from the house of representatives, by Mr. Fleming :

Mr. Speaker—The house of representatives have appointed a committee to co-operate with a committee to be appointed by the senate, to wait on the lieutenant governor and in-

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form him that the general assembly have convened, and are ready to receive any communications he may think proper to make.

And then he withdrew.

Messrs. Jones, Simrall and Owens were selected to act in conformity thereto.

On motion,

Ordered, That one hundred and fifty copies of the standing rules of the senate be printed forthwith.

Mr. Jones, from the joint committee appointed to wait on the lieutenant governor, reported, that the duty assigned them had been performed; and that they received for answer, that he would communicate in writing to each house in their respective chambers, to-morrow at twelve o'clock.

And then the senate adjourned.

TUESDAY, DECEMBER 2, 1847.

The senate assembled.

Mr. Hillyar, from the counties of Henderson, Daviess and Ohio, appeared and took his seat.

Ordered, That a committee of propositions and grievances be appointed; and a committee was appointed, of Messrs. Simrall, Bartlett, South, R. Taylor, Welch, Perrin, Thompson, Worthington, Wood, Griffin, Wilson, Hardin, Given and Harrison: and they are to meet and adjourn from day to day, and take into consideration all propositions and grievances that may be referred to them from time to time, and to report their proceedings, with their opinion thereupon, to the senate; and the said committee have power to send for persons, papers and records, for their information.

Ordered, That a committee of privileges and elections be appointed; and a committee was appointed, of Messrs. Parks, Mason, Wickliff, Crutcher and Eve: and they are to meet and adjourn from day to day, and examine in the first place all the returns for the election of senators to serve in the present general assembly, and to compare the same with the forms prescribed by law; and to take into consideration all such matters of election and privileges, and to report their proceedings thereupon to the senate; and the said committee have power to send for persons, papers and records, for their information.

Ordered, That a committee for courts of justice be appointed; and a committee was appointed, consisting of Messrs. H. Taylor, Owens, Johnson, Yancey, Bowmar, Barry,

Chambers, Churchill, Jones, Bledsoe, Hillyar, Bridges, Southgate and Welch: and they are to meet and adjourn from day to day, and take under consideration all matters relative to courts of justice, and all such other matters as shall from time to time be referred to them, and report their opinion thereupon to the senate: and the said committee are to inspect the journal of the last session, and draw up a statement of the matters there depending and undetermined, and the progress that was made therein; also to examine what laws have expired since the last session, or are near expiring, and to report their opinion to the senate which of them are to be revived and continued: and the said committee have power to send for persons, papers and records, for their information.

Ordered, That a joint committee for enrolled bills be appointed on the part of the senate; and thereupon a committee was appointed, consisting of Messrs. Chambers, Yancey, Churchill and Faulkner.

On the motion of Mr. Simrall,

Ordered, That four seats on the left of the lobby door be appropriated for the members of the house of representatives and officers of government, whenever they may choose to attend the debates of the senate; and that Mr. Simrall inform the house of representatives thereof.

Mr. Wickliff moved the following resolution:

Resolved by the general assembly of the commonwealth of Kentucky, That a joint committee of two from the senate and four from the house of representatives be appointed to examine and report the state of the treasurer's office; and that four from the senate and twelve from the house of representatives be appointed to examine the register's office, and report the state of the same; and that three from the senate and six from the house of representatives be appointed to examine and report the state of the penitentiary house, books and accounts: that four from the senate and ten from the house of representatives be appointed to examine and report the state of the auditor's office.

Which being read, the rule was dispensed with and the blanks filled.

Mr. H. Taylor moved the following amendment:

Resolved by the senate and house of representatives, That a committee of — from the senate and — from the house of representatives be appointed to enquire into the situation of the bank of Kentucky, and make report thereof.

Which being read, was laid on the table.

The question was then taken on adopting the resolution. It was resolved in the affirmative.

Ordered, That Mr. Simrall inform the house of representatives thereof, and request their concurrence.

Mr. Owens presented a petition from sundry inhabitants of Adair county, representing that they have witnessed cruel and barbarous treatment of slaves by their masters, and praying the legislature to take the subject into consideration, and to devise such remedy as to them may seem expedient: which was read and referred to the committee of propositions and grievances.

On the motion of Mr. Owens, leave was given to bring in a bill to amend the several laws concerning the jurisdiction of magistrates; and Messrs. Owens, Bledsoe and Given were appointed a committee to prepare and bring in the same.

Ordered, That the clerk of the senate be permitted to avail himself of the assistance of Mr. Jacob Swigert in the execution of his office during the present session.

The senate received a message in writing from the lieutenant governor, by Mr. Secretary Pope, which being read was laid on the table, viz.

Fellow-Citizens of the Senate.

And of the House of Representatives,

IN meeting you again, it is with sincere pleasure I have to congratulate you and our constituents on the flattering prospect of our public affairs, the rapid progress of agriculture, commerce and manufactures, and the general improvement of our country. We are assembled under a free and happy constitution, to consult for the common good, to redress grievances, to remedy defects in the existing laws, and to adopt such measures as are best calculated to advance the welfare of the commonwealth. Coming from every part of the state, you must be better acquainted with the various interests of the community, and upon your superior wisdom and information I chiefly rely for a due attention to the wants and concerns of our fellow-citizens.

Pursuant to a resolution of the last legislature, I inclosed to our distinguished fellow-citizen, James Madison, late president of the United States, their address approbatory of his public services and private worth, and received his answer in April last, which I have now the honor to lay before you.

Agreeable to another resolution passed at the last session, I opened a correspondence with the governors of Ohio and

Indiana, touching the difficulties experienced by our citizens in regaining their slaves who escape into those states, and am happy to inform you that their answers evince a disposition, on the part of their respective states, to remove, as far as practicable, every cause of complaint, and to maintain with Kentucky the most friendly relations. A copy of the correspondence with each state is herewith transmitted.

The resolution respecting an armory I am not yet prepared to comply with, but have been endeavoring to collect information, and hope to be able to make a communication on this subject on some future day of your present session.

The pecuniary affairs of the penitentiary are, I understand, in a prosperous state; but the report of the Auditor, which will shortly be laid before you, will give a satisfactory view of its concerns. There is on hand a considerable quantity of raw materials and manufactured articles. Owing to the tardiness of the sales, the keeper has been obliged to advance money for the purchase of materials; for refunding which immediate provision ought to be made. The present agent, with my advice, has removed the articles manufactured to the neighboring towns, to be vended. A measure which promises a speedy reimbursement of monies advanced, and much advantage to the public. The condition of the building demands your particular and immediate attention. It is believed to be insecure, and to require repair and enlargement. I submit to your serious consideration whether it is just or expedient to sentence offenders to additional confinement, who are tempted by the state of the building and negligence of the guards, to make their escape. Would it not be better to secure more vigilance on the part of the guards, by subjecting them to some punishment or penalty for neglect of duty? This institution, which originated in a spirit of philanthropy and a liberal and enlightened humanity, ought not to be abandoned or neglected; it has too long received the approbation of not only the wise and benevolent of our own state, but of most of our sister states, and must be viewed with a partial and benignant eye wherever the life of rational, immortal man is duly estimated. I trust, therefore, that the legislature will repair, improve and extend the building, and revise the regulations and management of the institution so far as respects the reformation of offenders, one of the leading objects of the system. Some provision ought to be made for furnishing them with bibles and books of morality, and for giving them religious and moral instruction. I would also advise that such of those unfortunate victims of folly

and vice, who learn good trades and conduct themselves well, should be entitled, upon their discharge, to a small compensation out of the profits of the institution, to purchase tools, and enable them to commence business. Such a provision will probably induce both industry and amendment. But little good is done if the offenders go forth into the world unredeemed in any degree from the depravity for which they were cut off from the social state.

I beg leave again to bring into view the subject of education, one of the first importance that can engage your attention, whether we regard its influence on human happiness, or the permanency of our republican system. Colleges or universities on a large scale require considerable funds, and cannot be numerous. The Transylvania University, which had its origin in the liberality of our parent state, will soon, it is believed, hold an eminent rank among the institutions of learning in the United States. I am not informed whether its funds are adequate or not, but think it would be wise in the legislature to extend to this institution every aid necessary to place it on the most respectable footing. It is hoped and expected that this university, situated in one of the most healthy and delightful parts of the United States, will render it not only unnecessary for the youth of our own state to be sent to distant colleges, but invite the young men of other states to finish their education here. There are considerations in favor of a good system of education which strongly address themselves to our pride as a state. It should be remembered that Kentucky is the first member of the federal union that emerged from the western wilderness, and that she now holds a very high standing in the national government. And shall it be said that she is unfriendly, or even indifferent to learning? Let it rather be our boast that Kentucky is as famed for science and the arts, as for the valor and patriotism of her citizens.

To establish a perfect method of education, has long been considered by the most enlightened friends of mankind, the best means of rendering a people free and happy. I, therefore, recommend to you to arrange and adopt a plan, extensive, diffusive and convenient to every portion of the community. I would advise that all the settled parts of the state be divided into districts, equal to five or six miles square, through the agency of the county courts, or in some other manner to be prescribed; a school to be established in each district, free to all poor children; and to be supported, if not entirely, in part, at the public expense. We have many good

schools, but nothing short of carrying education to the neighborhood of every man in the state, can satisfy the just claims of the people, or fulfil the duty of the government. Few people are able to board their children from home, and unless schools are established convenient to them, their education will be neglected. The distribution of good schools in every neighborhood, would be attended with many advantages. They will not only improve the minds and moral habits of the youth, but will give more permanency and a more settled character to our population. They will diffuse much useful instruction among all classes of people, and introduce a taste for learning and information. They will develop the mental riches of the commonwealth. The experience of the world has proved that genius is not confined to any particular order of men; but Providence, in bestowing her choicest gift, intelligence, as if to mortify the pride and vanity of those, who, from birth and fortune, would exalt themselves above their fellow-men, delights to raise up the brightest ornaments of humanity from the most obscure and humble conditions of life. To instruct and improve the rising generation, is among the first duties of every American statesman. The American people, in establishing their independence and republican forms of government, have done much; but much remains yet to be done. These states are but recently transplanted from the nursery of freedom; and although in a thriving and promising condition, they have not acquired such maturity and strength as no longer to need the care and skill of the political husbandmen. To give success to this experiment of freedom, the youth of our country should be qualified to understand and enjoy its blessings. In vain have our ancestors bled; in vain did they hazard every thing upon the issue of our revolutionary contest; in vain has our country been distinguished by the most sublime and elevated patriotism, if the inestimable boon which they achieved, is to be lost by a neglect of the means necessary to its preservation and progress. While the utility and importance of education is generally admitted, yet, either because the beneficial effects appear remote or universal, the subject does not seem to excite that lively interest and zeal which are usually awakened by questions of a local or personal character. When we reflect that this government has no need of a standing army to sustain or enforce its authority, but for its efficiency essentially reposes on the patriotism and intelligence of the great body of the people, how obvious is the necessity of providing a system of in-

struction calculated to improve the minds and moral habits of the rising generation.

Although our government in its form and structure is a departure from a simple democracy, yet it is a government of the people, instituted for their benefit, and essentially dependant on their will. It is true that every excitement of popular feeling and passion is not to be considered the will of the community; but the deliberate sense of the people cannot, ought not to be resisted. The American statesmen who have formed our system of government, warned by the fate of the tumultuous democracies of antiquity, long since buried beneath the despotisms of the old world, have wisely constructed the vessel of state so as to prevent its being driven by every popular blast from its proper course, by interposing checks and balances to stay the intemperance and rashness of the moment, and to give time for the sober reason of the community to be exercised. To protect the weak against the strong, the minority against the majority, and to secure all and every one against violence, injustice and oppression, the people in their highest sovereign character, assembled in convention for that special purpose, have, by a written constitution, established certain rules and principles, and erected barriers to restrain and limit their own powers and the powers of all those appointed under its authority; and these rules, principles and barriers they have solemnly pledged their faith to each other to observe inviolable, until the constitution itself shall be altered or abolished.

By our constitution, the powers of government are confided to several departments, or bodies of magistracy—legislative, executive, and judicial; all deriving their authority mediately or immediately from the constitution, and intended to check and restrain each other from transcending their appropriate limits. Ours is not a simple democracy, in which the people exercise in their own persons the powers of administration: their numbers and dispersed situation render it impracticable; but a representative government, in which they have confided them to men chosen by themselves, for short and limited periods. The senate, by their age, experience and term of service, is made a check on the house of representatives, and the executive upon both—the two houses are in turn checks upon the executive. The judiciary is in some respects a check upon the legislative and executive departments, and yet responsible to them for misconduct. These several bodies of magistracy, are so many pillars, or corner stones of the temple of freedom; the constitutional

strength and independence of each one of which are essential to its preservation. This is an improvement in the science of government, which originated in the most profound wisdom and knowledge of human nature. Every man who will examine himself, must confess that he is often led by passion and prejudice into errors the most gross and extravagant. We know too that neighborhoods, counties and nations are liable to err for a moment, from the same cause. If every sudden impulse of any community was to be carried into full effect, there would be in such a state neither confidence nor safety. And hence the security afforded by the checks and balances I have mentioned, for which we are chiefly indebted to the wisdom and patriotism of the statesmen of our own country. The distinguished author of "Notes on the State of Virginia," in speaking on this subject near the close of the revolutionary contest, says, that "the concentrating all the powers of government in the same hands, is precisely the definition of despotic government; and that 173 despots would be as oppressive as one." An elective despotism, says this enlightened statesman, was not the government we fought for; but one which should not only be founded on free principles, but in which the powers of government should be so divided, and balanced among several bodies of magistracy, as that no one could transcend their proper limits, without being effectually checked and restrained by the others. These checks cannot, however, operate as restraints upon the deliberate sense of the people: they can only produce a pause, and give them time for consideration; but if after these checks have, with firmness and fidelity, been interposed according to the spirit of the constitution, the people are still dissatisfied, their deliberate will, legitimately exercised, must and ought to prevail. Fortunately for our republic, there is reason to hope, that a little time will generally be sufficient to correct the errors to which we are liable. When we reflect how much the very existence of our government depends on the virtue and intelligence of the people, and for how many ages the friends of freedom and human happiness have been struggling to devise some form of government, alike secure against tyranny and anarchy, how indispensable is it to diffuse information, and qualify those who are to succeed us to understand the plan and principles of government furnished us by our revolutionary sages. Without intelligence, the people never can be safe against the delusions to which they are exposed, from the violence of party spirit, and the arts and intrigues of designing ambition.

Deeming this subject of deep interest, in every aspect in which it can be presented, I would suggest the propriety of appropriating a share of the dividends on bank stock, such taxes as may be imposed on banks and corporations, and the lands stricken off to the state and forfeited, together with such as may be escheated to the commonwealth, to raise and constitute a school fund.

There is reason to believe that a large quantity of land, the property of the commonwealth, is now held by individuals, or unsettled. I would therefore again recommend a revision of the law of escheat, and for the appointment of escheators. It is probable that in some instances land liable to escheat is held by innocent purchasers: in such cases it would be equitable to release the right of the state upon reasonable terms.

A state library at the seat of government, would be very useful and convenient. The members of the legislature, public officers and judges, who attend the courts held at Frankfort, ought not to be entirely dependant on the private libraries of gentlemen of the bar, and other citizens. The surplus reports of the decisions of the court of appeals belonging to the commonwealth, might be sold, or exchanged for books. This fund, with a small annual appropriation, would probably be sufficient.

I regret the necessity of once more pressing on your attention the anti-republican and highly criminal practice of selling offices, which is becoming too common, and indeed fashionable. Shall the public offices in the republic of Kentucky be an article of sale in the market, or the reward of qualifications and integrity? This is the question to be decided. If this practice is sanctioned, or even winked at, it will prove that while we profess that the road to public station is open to all, the poor as well as the rich, that they are in fact confined exclusively to the latter. The prevalence of such practices, and especially if countenanced, is evidence of the decline, if not of the state, of the republican purity of the government. I therefore recommend a revision of the laws against selling offices, and the enactment of severe penalties, and effectual provisions to suppress this pernicious and illicit traffic.

The use of steam boats in our larger rivers, seems likely to give a new spring to the agriculture and commerce of the western country; and it is believed great advantages would be derived from the use of them on our smaller streams, if some practicable plan could be adopted to remove obstructions and improve them. Whether this should be done at the public expense, or by inducements held out to private indivi-

duals or companies to undertake it, I submit to your better judgment. When it is considered that most of our fertile lands are distant from the Ohio, and that we are dependant on our smaller rivers for the transportation of the greatest part of our surplus productions to market, the improvement of their navigation seems to demand the serious consideration and attention of the legislature.

The state of our public roads, so important in facilitating communication between different parts of the country; and carrying our produce to market, merits your notice. Experience has proved our plan for improving and keeping them in repair to be radically wrong. I would suggest the expediency of keeping them in repair by a levy for the purpose, allowing each individual to pay in work on the road for which he may be taxed. This mode has succeeded well in other states, where it has been tried. Of the provisions necessary and proper on this subject, you will decide.

I take the liberty to mention for your consideration, the expediency of taking some immediate step, in co-operation with the general government, to extinguish the Indian title to that part of our territory lying west of the Tennessee river. This tract of country is very valuable, and important in a commercial view, and its settlement would add much to the wealth, strength and population of the state.

I felicitate you and my fellow citizens generally upon the harmony of opinion that seems to pervade our nation. In the language of president Monroe, discord does not belong to our system of equal rights and equal justice. Every honest and liberal man must rejoice at the prospect of a political jubilee, in a deliverance from the despotism of party names and feuds, which have so long distracted the public councils and poisoned social intercourse. "United we stand, divided we fall," was the motto of our ancestors, who achieved our glorious revolution. Let us remember that ours is the only republic on the globe, and that an union among ourselves is necessary to insure success to our system. Let us therefore oblivate party spirit, and unite our efforts to give strength and maturity to our republican institutions. That we should occasionally divide on important questions, which frequently occur, is to be expected. Collision of opinion is often useful in eliciting truth, by able discussions to which it gives rise. The American people were nearly equally divided on the question of adopting or rejecting the federal constitution; but this difference of opinion was not made a ground for eternal proscription or party division. Some difference of

opinion occurred with regard to the national bank, the navy, and many other questions which have since arisen. In the progress of this government of experiment, new and important measures often produce an honest difference of opinion, which ought to be tolerated with the most charitable indulgence. Most of these subjects have had their day; and if we take a retrospect of the history of parties and of public men in the U. States, and test them by public sentiment as now settled, all will be found to have been partly right and partly wrong. None can claim an exemption from error. And shall rational men, citizens of a free state, be divided by the mere magic of unmeaning names and terms? A party organized under any particular name, merely for party, or personal objects, is dangerous in our republic, and its spirit is despotism. In order to preserve the accountability of public men, a fundamental principle of every free government, it is necessary that the people should be in a situation to pass an impartial judgment upon public measures and the conduct of public men. Influenced by considerations of this nature, and a spirit of conciliation, I have to assure you of my cordial co-operation in all measures calculated to promote the happiness and prosperity of our common country.

In closing my communication, I invite you to join me in returning thanks to the Author of all good, for the abundant crops, peace and happiness with which our state and nation are blessed; and let us implore him to extend his kind and protecting care to our southern brethren, now struggling for freedom and independence. As republicans, we cannot be indifferent to their cause. That they ought to be independent of the powers of Europe, nature herself has decreed. From the school of freedom which we have established, there is reason to hope they will learn to institute republican forms of government; and although it may not be necessary or expedient for us to participate in their contests, let us beseech the same kind Providence that watched over us in times of difficulty and trial, to crown their efforts with success.

GABRIEL SLAUGHTER.

Frankfort, December 2d, 1817.

TO THE GENERAL ASSEMBLY OF KENTUCKY.

I have received from his excellency the lieutenant governor, your address of February the 4th, with the sensibility due to the kind expressions which distinguish it.

Although I enjoy the consciousness that in the stations successively assigned to me by the voice of my fellow citizens, I have had no views not worthy of their approbation,

the extension of yours, to the conduct I have actually pursued, is a reward which cannot but be welcome to me ; the more so as coming at the epoch which closes my public career, and from a state yielding to none in the characters which give value to its sentiments.

In the condition of a private citizen to which I return, I shall always cherish the gratifying remembrance of your favorable opinion ; and sincerely pray that the happy fruits of our struggles, and our institutions, as a nation, may be amply enjoyed by a portion of it which has shared so gloriously in the one and is so zealously attached to the other.

JAMES MADISON.

March 20, 1817.

Copy of a letter from the Lieutenant and acting Governor to the governor of the state of Ohio.

FRANKFORT, KY. SEPTEMBER 4th, 1817.

SIR—Pursuant to a resolution of the legislature of the commonwealth of Kentucky passed at their last session, I have to assure your excellency of the amicable disposition of the citizens of Kentucky towards the citizens of the state of Ohio ; and that it is the wish, not less than the interest of our citizens, that harmony and the most friendly relations should prevail between the said states, and the citizens thereof. That they respectively enjoy the blessings of a government based on the great and essential principles of liberty, and compose a part of the federal union, are considerations alone sufficient to induce them to preserve with the utmost vigilance, the amity now existing between this state and that over which you have the honor to preside ; but when we reflect that Ohio and Kentucky belong to the same section of country, having a common highway to the ocean ; and that from their relative situation, their citizens must from necessity mingle in social intercourse and commercial pursuits, strong additional motives are perceived to cultivate and maintain the most amicable relations.—Influenced by feelings and considerations of this nature, and a due regard to the rights of our citizens, the legislature of Kentucky have requested me to address your excellency concerning the difficulty said to be experienced, by our citizens in reclaiming their slaves, who escape into your state. Whether it is owing to a defect in your laws, or the want of promptitude and energy in those who administer them, or the prejudices of your citizens against slavery, or to all those causes, I have not learnt. But our citizens complain of serious obstructions to the recovery of their property.

You must be sensible sir, that occurrences of this sort cannot fail to produce discontent here; and a spirit of animosity towards the people of your state; which it is equally the interest and duty of all to avoid. I regret that I am not furnished with the particular facts which have occasioned this interference of our legislature; but it was certainly due to the complaints of our citizens to open a correspondence with you on the subject, in order to remove as far as practicable the obstacles, real or supposed, produced by your citizens. I flatter myself that the causes of these complaints are very limited, and relying with confidence that the amicable disposition of the people of this state towards the people of Ohio is felt, and will be met by a correspondent spirit on their part, I request you to call the attention of your legislature to this interesting subject; and to recommend the adoption of such municipal regulations as may be best calculated to do justice to all concerned; and to promote harmony and amity between our respective states.

I have the honor to be,

With high respect and consideration,

Your obedient humble servant,

GABRIEL SLAUGHTER.

*To his excellency Thomas Worthington,
governor of the state of Ohio.*

A similar letter of the same date, was addressed to the governor of Indiana.

The following answers have been received to those letters:

THE ANSWER OF THE GOVERNOR OF OHIO.

“Executive Office. Columbus. Oct. 23d, 1817.

SIR—I have the honor to acknowledge the receipt of your letter of the 4th ultimo, which but for my absence from the seat of government, would have been answered at an earlier date.

Whilst on the one hand I feel highly gratified at the expression on the part of the legislature of Kentucky, through your excellency, of the amicable disposition of the citizens of that state towards the citizens of the State of Ohio, I regret the causes, if they do exist, which produced it. The reasonings which you have been pleased to use, to prove that the two states should cultivate and maintain the most amicable relations, are self-evident; and so far as I am informed, I have the most positive reasons to believe the citizens of this state are truly desirous such a state of things should exist. As it regards the cause of complaint which has produced your excellency's letter, to-wit: The difficulty said to

be experienced by the citizens of Kentucky, in reclaiming their slaves escaping to Ohio ; I can assure you sir, that so far as I am informed, there is neither a defect in the laws, nor a want of energy on the part of those who execute them. That an universal prejudice against the principles of slavery does exist, and is cherished, is to be expected ; and that a desire to get rid of every species of negro population exists, is in my opinion as certain. The fugitive act is fully executed. You know sir, that the writ of *habeas corpus* cannot be denied ; and it but too often happens, that the proofs of the right of property are defective. Under such circumstances, the Judges must act according to facts.

I venture to assert that there is no state in the union, where resistance against a public officer or authority would be more severely punished.

I regret exceedingly, that the facts on which the legislature have founded their resolution, and which occasioned your letter, were not communicated to you, and from you to me.

You must be aware sir, that to authorise me to bring this subject before the legislature of Ohio, and for them to act on it, facts should be stated, and properly substantiated : otherwise, a general charge without satisfactory evidence to support it, might excite in the minds of the people of Ohio, that prejudice and dissatisfaction which it is so desirable to prevent.

With this view of the subject, I have to request the favor of you, if practicable, to cause to be procured such evidence on this subject as you may deem proper, and forward it to me, which together with your letter, shall be communicated to the legislature of Ohio.

I beg you to be assured that it will give me the most sincere pleasure, as far as my official station may enable, to cultivate and maintain the most perfect harmony, and an interchange of the most friendly intercourse between the citizens of Kentucky and Ohio.

I have the honor to be, very respectfully,

T. WORTHINGTON.

THE ANSWER OF THE GOVERNOR OF INDIANA.

CHARLESTON, Nov. 18th, 1817.

His excellency Gabriel Slaughter,

SIR,

Your letter of the 4th of September last, addressed to me in pursuance of a resolution of the legislature of the commonwealth of Kentucky, has been received ; in which

an assurance is given of the amicable disposition her patriotic citizens entertain towards the citizens of the infant state of Indiana. Permit me to assure your excellency, that a corresponding disposition is cultivated on the part of the latter ; and that they highly appreciate the mutual advantages to be derived from the most friendly relations between the said states, and the citizens thereof.

With regard to the subject matter of your letter, "the difficulty said to be experienced by your citizens in reclaiming their slaves who escape into this state," allow me to state in relation to my views on this subject, that I have been, and still am desirous that every municipal regulation, not inconsistent with the constitution of the United States or of this state, may be adopted by the legislative authority of the latter, calculated to secure to the citizens of every state or territory of the Union, the means of reclaiming any slave escaping into this state, that may rightfully belong to them or either of them, with as little delay as the operation of law will admit. With this object in view, I presented the subject for the consideration of the legislature of this state at their last session, and their deliberations on this subject resulted in a statute, to which I beg leave to refer you in the pamphlet herewith transmitted, page 151.

What further legislative provision on this subject may be adopted on the part of the legislative authority of this state, is not for me to predict, though I feel a confidence that some further attempts will be made to restrain slaves from seeking within our state an asylum from their lawful owners.

I am yet ignorant of any attempts to obstruct the operation of the laws, when called into action for the purpose of aiding the claimant of any slave or slaves who may have escaped into this state ; and with you I regret that you have not been furnished with the particular facts which have occasioned this interference of your legislature, although pleased that a correspondence on this subject has been commenced. If such evil exists as is said to be experienced from a defect in our laws, it is believed a remedy will be provided in the resources of further experiment.

As members of the general government, the states of Kentucky and Indiana, will, it is hoped, act with mutual forbearance and good faith, avoiding thereby any unnatural jealousies between them as states, or their citizens.

Accept assurances of the high respect with which I am, sir, yours very obediently.

JONATHAN JENNINGS.

Ordered, That the public printers forthwith strike five hundred copies of the message, together with the letter from Mr. Madison, for the use of the senate.

Mr. Barry moved the following resolution, to wit:

Resolved, That the sergeant-at-arms of the senate be directed to procure carpeting of the cheapest kind, for the floors of the senate lobby and gallery, and also to have inside doors constructed for the same: also to procure an additional number of tables and seats for the use of the senate.

Which being twice read, was agreed to.

A message from the house of representatives, by Mr. Metcalfe:

Mr. Speaker—I am directed to inform the senate, that the two first seats on each side of the lobby door of that house are appropriated for the senate and officers of government, whenever they choose to visit that house.

And then he withdrew.

And then the senate adjourned.

WEDNESDAY, DECEMBER 3, 1817.

The senate assembled.

The senate received a message in writing from the lieutenant governor, by Mr. Waggener, which was read as follows, to wit:

Gentlemen of the Senate,

I nominate for your advice and consent, James Bradley sheriff of the county of Christian, in place of Benjamin P. Campbell, resigned.

GABL. SLAUGHTER.

Dec. 3d. 1817.

Mr. Bowmar presented a petition from the heirs of James Overstreet, deceased, representing that their ancestor died seized of a tract of 220 acres of land, in Adair county, and that a sale would conduce to their interest; and praying that a law may pass authorising the administrator to make sale of the land for the benefit of his heirs: which was read and referred to the committee for courts of justice.

Leave was given to bring in the following bills:

1. On the motion of Mr. Johnson—A bill to reduce the number, and alter the mode of electing the trustees of the Transylvania University.

2. On the motion of Mr. Bledsoe—A bill to amend an act entitled an act for the more speedy recovery of the custody of children or wards.

And Messrs. Johnson, Bledsoe, Barry and Bowmar were appointed a committee to prepare and bring in the former; and Messrs. Bledsoe, Barry, Southgate and Yancey the latter.

Mr. Barry moved the following resolutions, viz.

Resolved, That so much of the lieutenant governor's message as relates to internal navigation, be referred to a select committee, with leave to report by bill or otherwise.

Resolved, That so much of the lieutenant governor's message as relates to the improvement of roads, be referred to a select committee, with leave to report by bill or otherwise.

Which being twice severally read, were agreed to.

Messrs. Barry, Simrall, Owens, Johnson, Bridges and Jones were selected for the former; and Messrs. Hillyar, R. Taylor, Bledsoe, Simrall, H. Taylor and Chambers the latter.

And then the senate adjourned.

THURSDAY, DECEMBER 4, 1817.

The senate assembled.

Mr. Owens presented the petition of sundry inhabitants of the county of Bracken, representing that they labor under great inconvenience in attending courts, &c. owing to the seat of justice not being central; and praying that it may be fixed in the centre of the county, as nearly as the situation of the county will admit: which was read and referred to the committee for propositions and grievances.

The following bills were reported from the respective committees appointed to bring in the same, to wit:

By Mr. Bledsoe—A bill to amend the act entitled "an act for the more speedy recovery of the custody of children or wards."

And by Mr. Owens—A bill to amend the several acts concerning the jurisdiction of magistrates.

Which were severally read the first time, and ordered to be read a second time.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Jones—1. A bill to alter the mode of summoning petit juries in this commonwealth.

On the motion of Mr. Simrall—2. A bill to amend the several acts concerning warehouses and the inspection of tobacco.

On the motion of Mr. Crutcher—3. A bill to amend the act altering the mode of taking in the lists of taxable property.

On the motion of Mr. Southgate—4. A bill to amend the several acts respecting circuit courts.

On the motion of Mr. Owens—5. A bill to amend the several acts further to regulate the debt due the commonwealth for the sale of vacant lands.

On the motion of Mr. Owens—6. A bill to amend the several acts concerning riots, routs and unlawful assemblies of the people.

On the motion of Mr. Hillyar—7. A bill to alter the time of holding the county courts of Ohio and Daviess, and to legalise their proceedings in certain cases.

And on the motion of Mr. Owens—8. A bill for the relief of James Swiggett.

Ordered, That Messrs. Jones, Harrison, Owens, Chambers, Barry and Bridges be appointed a committee to prepare and bring in the first; Messrs. Simrall, Owens, Parks, Yancey, Mason, H. Taylor, Given and Worthington, the second; Messrs. Crutcher, Welch, Southgate, Bridges, Given and Harrison, the third; Messrs. Southgate, Bledsoe, Eve, Owens and Johnson, the fourth; Messrs. Owens, Parks, Johnson, Bowmar, Bridges and Given, the fifth; Messrs. Owens, Harrison, Welch, Bridges and Perrin, the sixth; Messrs. Hillyar, Jones and Perrin, the seventh; and Messrs. Owens, Griffin, Bowmar and Johnson, the eighth.

On the motion of Mr. Simrall,

Ordered, That the sergeant-at-arms procure six sets of Littell's Laws of Kentucky, and as many sets of the acts of the succeeding sessions, for the use of the senate.

The nomination of James Bradley as sheriff of Christian county, was taken up and read:

Resolved, That the senate advise and consent thereto; and that Messrs. Given, Faulkner and South acquaint the lieutenant governor therewith.

And then the senate adjourned.

FRIDAY, DECEMBER 5, 1817.

The senate assembled.

Mr. Perrin presented a petition from sundry citizens of Bracken county, counter to that presented yesterday praying for the removal of the seat of justice of said county; which counter petition was also referred to the committee of propositions and grievances.

Mr. Simrall, from the committee of propositions and grievances, made the following report, to wit:

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The committee of propositions and grievances have according to order had under consideration the petition of sundry citizens of the county of Adair, recommending to the consideration of the legislature the unprotected condition of slaves, and representing the propriety of the passage of a law to protect them from the cruel and barbarous treatment of their masters, and have come to the following resolution thereupon, to wit:

Resolved, That it is the opinion of this committee that the said petition is reasonable.

Which was twice read and agreed to.

Ordered, That said committee prepare and bring in a bill in pursuance thereof.

Mr. Owens, from the committee appointed for that purpose, reported a bill to amend the several acts further to regulate the payment of the debt due the commonwealth for the sale of vacant land: which was read the first time, and ordered to be read a second time.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Harrison—1. A bill to amend the law relative to usury.

On the motion of Mr. Simrall—2. A bill to amend and repeal the several acts concerning billiard tables.

And on the motion of Mr. Owens—3. A bill to amend the several acts concerning sheriffs, constables and jailors' fees.

And Messrs. Harrison, Bridges, Perrin, Welch and Simrall were appointed a committee to prepare and bring in the first; Messrs. Simrall, Bledsoe, Owens and Hillyar, the second; and Messrs. Owens, Simrall, Bartlett, R. Taylor and Bowmar, the third.

Mr. Matthew Wilson, from the county of Christian, appeared and took his seat.

A message from the house of representatives by Mr. Sharpe:

Mr. Speaker—The house of representatives concur in the resolution from the senate for appointing joint committees to examine the public offices, and have appointed committees on their part.

And then he withdrew.

Messrs. Welch and Hardin were appointed a committee on the part of the senate, in pursuance of said resolution, to examine the treasurer's office; Messrs. Johnson, Bowmar, Parks and Wickliff, the register's office; Messrs. Barry, Jones and Simrall, the penitentiary; and Messrs. Owens, Bridges, R. Taylor and Thompson, the auditor's office.

A bill to amend the act entitled "an act for the more speedy recovery of the custody of children or wards," and a bill to amend the several acts concerning the jurisdiction of magistrates, were severally read the second time. The former was ordered to be engrossed and read the third time; the latter was committed to a committee of the whole house on the state of the commonwealth.

And then the senate adjourned.

SATURDAY, DECEMBER 6, 1817.

The senate assembled.

Mr. H. Taylor, from the committee for courts of justice, made the following report, to wit:

The committee for courts of justice have according to order had under consideration the petition of the heirs of James Overstreet, deceased, representing that it would be advantageous to the heirs of said Overstreet, some of whom are infants, to have a tract of land containing 220 acres sold, which he died seized of, and have come to the following resolution thereupon, to wit:

Resolved, That the said petition *be rejected*.

Which being twice read, was agreed to.

Mr. Simrall, from the committee of propositions and grievances, made the following report, to wit:

The committee for propositions and grievances have according to order had under consideration the petition of sundry citizens of Bracken county, representing that they, in transacting their unavoidable and necessary business in court, labor under many and serious inconveniences, in consequence of the seat of justice of said county not being in a suitable and convenient place, and praying the removal thereof to a place suitable to the conveniences of the majority of the people, and have come to the following resolution thereupon, to wit:

Resolved, That the said petition *be rejected*.

Which being twice read, was agreed to.

The following bills were reported from the committees appointed to prepare and bring in the same, to wit:

By Mr. Hillyar—A bill to alter the time of holding the county courts of Ohio and Daviess, and to legalise their proceedings in certain cases.

And by Mr. Simrall—A bill to amend and repeal the acts concerning billiard tables.

Which were severally read the first time, and ordered to be read a second time : and the rule being dispensed with, the former bill was read the second time, and committed to Messrs. Owens, Bridges, Simrall, Worthington, Hillyer and Johnson ; who after some time, by Mr. Owens, reported the same with amendments, which were twice severally read and agreed to.

Ordered, That the said bill, with the amendments, be engrossed and read the third time.

Mr. Jones moved for leave to bring in a bill for taking the sense of the good people of this commonwealth as to the necessity and expediency of calling a convention : which was committed to a committee of the whole house on the state of the commonwealth for Tuesday next.

Mr. Harrison and Mr. Bridges gave notice that when the question was taken they would require the yeas and nays thereon.

The resolution for appointing a joint committee to examine the state bank, was then taken up, and Mr. Wickliff moved the following resolution in lieu thereof, to wit :

Resolved by the general assembly of the commonwealth of Kentucky, That four members from the senate and eight members from the house of representatives be appointed to examine the bank of Kentucky, and report the state of the same and the dividend of said bank and each of its branches.

Which being twice read, was agreed to.

Ordered, That Mr. Wickliff inform the house of representatives thereof and request their concurrence.

On the motion of Mr. H. Taylor, leave was given to bring in a bill to amend the act entitled "an act for the benefit of the infant heirs of Edmund Taylor, deceased, of Campbell county ;" and Messrs. H. Taylor, Southgate and Mason were appointed a committee to prepare and bring in the same.

A bill to amend the several acts further to regulate the payment of the debt due the commonwealth for the sale of vacant land, was read the second time ; and on the motion of Mr. Bledsoe, committed to a committee of the whole house on the state of the commonwealth for Wednesday next.

An engrossed bill to amend the act entitled "an act for the more speedy recovery of the custody of children or wards," was read a third time ; and the question being taken on the passage thereof, it was resolved in the affirmative—Yeas 28, nays 1.

The yeas and nays being required by Messrs. Bledsoe and Perrin, were as follows, to wit:

Those who voted in the affirmative are, Mr. Speaker, and Messrs. Bledsoe, Bridges, Chambers, Crutcher, Eve, Faulkner, Given, Griffin, Hardin, Harrison, Hillyer, Johnson, Mason, Parks, Perrin, Simrall, South, Southgate, R. Taylor, H. Taylor, Thompson, Welch, Wickliff, Wilson, Wood, Worthington and Yancey.

Mr. Owens voted in the negative.

Resolved. That the said bill do pass, and that the title be "an act to amend the act for the more speedy recovery of the custody of children or wards."

Ordered, That Mr. Bledsoe inform the house of representatives thereof, and request their concurrence.

Mr. Chambers offered the following resolution:

Resolved, That the sergeant-at-arms of the senate be directed to have such repairs or alterations made to the speaker's chair as will comport with the dignity of this body and the convenience and comfort of the speaker.

Which being twice read was agreed to.

A letter from the treasurer was laid before the senate by the speaker, containing his official annual account, which was read as follows, to wit:

THE HONORABLE SPEAKER OF THE SENATE.

Sir—Please to accept the within statement as my report. Respectfully, I am, sir, your obedient servant.

JOHN P. THOMAS, Tr.

John P. Thomas, treasurer, to the State of Kentucky DR.

1817, Nov. 10—To cash remaining in the treasury 10th Nov. 1816,	57,030	35
Received of sheriffs since 10th Nov. 1816,	49,723	31
Of clerks of courts, same time,	8,914	08
Green river settlers, do.	36,332	61
Non residents, do.	5,548	47
Vacant land, under the law of 1815,	12,865	60
Tellico do.	646	80
Richard Taylor, as sergeant to appeals,	4,393	47
Bank of Kentucky, on individual stock,	4,021	50
Dividend 1st January last,	24,309	11
Do. 1st July,	34,454	11
Adam Beatty, for cash twice drawn,	300	00
M. D. Hardin, late secretary,	9	50
Jesse Bledsoe, do.	70	10
Penitentiary,	11,984	87
Two per cent on stock sold by the bank of Kentucky, under the act of last session,	14,150	00
Register, for fees of office,	1,644	10
Miscellanies,	162	70
	<hr/>	
	Dolls. 256,955	75

To cash remaining in the treasury 10th Nov. 1817,

57,439 74

THE SENATE.

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CR.

1817, Nov. 10—By auditor's warrants paid since 10th Nov. 1816, on	126.405	02
revenue account,	59.800	00
Do. for stock in bank of Kentucky,	3.212	44
Do. on Green river warrants for land lost,	98	55
Do. on militia certificates,	57.439	74
Cash remaining in the treasury 10th Nov. 1817,		
	Dolla. 256,955	75

And then the senate adjourned.

MONDAY, DECEMBER 8, 1817.

The senate assembled.

The speaker laid before the senate a letter from the auditor of public accounts, covering several official statements, which were read as follows, to wit:

AUDITOR'S OFFICE, DEC. 8th, 1817.

SIR—You will please lay before the senate the accompanying statements, marked A, B, C and D.

A. shows the debts due to the state on the 10th Nov. last; B. the expenditures of government for the year ending on the same day; C. the probable receipts and expenditures for the ensuing year; D. the situation of the penitentiary on the 1st October 1817.

I have the honor to be, sir,

Very respectfully, your obedient servant,

J. MADISON, AUD.

The honorable Robert Ewing.

A.

A STATEMENT

Of balances due to the State of Kentucky on the 10th Nov. 1817.

Of the revenue collectable by sheriffs, there is

due for the year 1793,	\$	52	73
do. do. 1794,		219	49
do. do. 1796,		2,566	20
do. do. 1798,		101	36
do. do. 1799,		217	25
do. do. 1800,		172	26
do. do. 1802,		31	99
do. do. 1803,		1,820	23
do. do. 1806,		864	34
do. do. 1807,		279	43
do. do. 1808,		95	11
do. do. 1809,		226	14
do. do. 1811,		52	44

do.	do.	1812,	129 16
do.	do.	1814,	1,790 71
do.	do.	1815,	1,748 57
From clerks,			2,647 27
John Logan, former treasurer,			2,965 34
The penitentiary,			8,957 13

Total, 24,937 15

J. MADISON, Aud.

B.

A STATEMENT

Of warrants issued by the auditor in the year ending the 10th day of November 1817, showing the amount of each source of expenditure, and the amount of warrants remaining unpaid on the 10th day of Nov. 1817, and the amount of warrants paid by the treasurer during the same period.

For the salaries of officers of the executive department,	\$ 9335 58
Assistant judges,	66
Postage,	571 17
Pensioners,	60
Negroes executed,	1,850
The services of the sergeant of the court of appeals,	321 62
Printing,	2,279 32
Clerks' ex officio services, stationary, &c.	4,585 81
Contingent expences,	3,192 36
The executive offices,	3,140 9
Circuit court jailers,	1,458 55
Money refunded for taxes twice paid, &c.	2,339 99
Sheriffs comparing polls of election,	765 24
Military services,	1,488 89
The December session 1816 of the legislature,	23,185 85
The salaries of the officers of the judiciary department,	24,448 82
Criminal prosecutions,	9,810 54
The support of lunatics,	6,258 68
Repairs on the government house,	643 50

Making in all, for the ordinary disbursements, \$ 95,802 1

For bank stock, \$ 69,800

Drawbacks on funds appropriated for bank stock, 2,944 54

The state-house, the balance of an appropriation of \$ 10,000, 5,500

THE SENATE.

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A loan to Luke Munsell,	6,000	
Loans to the penitentiary,	19,320	
	<hr/>	103,564 54
Total of warrants issued,		199,366 55
Warrants unpaid on the 10th Nov. 1816,		403 38
		<hr/>
		199,769 93
Warrants paid by the treasurer,		199,417 46
		<hr/>
Warrants unpaid on the 10th Nov. 1817,	\$ 352 47	
	J. MADISON, AUD.	

C.

AN ESTIMATE

Of the probable receipts and expenditures of the government, for the year to end on the 10th day of November 1818.

RECEIPTS.

Of the revenue collectable by sheriffs for the year 1816, there will be received not less than	\$ 50,000
Of the balances reported to be due, there will be received not less than	3,500
Dividends on bank stock, 5247 shares, at say 8 percent.	41,976
Tax on stock owned by individuals,	5,000
From clerks for tax on law process,	6,000
Tax on non-residents' lands,	6,000
From the register, for fees of office,	1,500
Monies in the treasury on the 10th day of November 1817, subject to the ordinary expences of the government,	56,467
	<hr/>
Total,	170,443

EXPENDITURES.

The ordinary expences for the year ending the 10th November 1817, as reported (in statement B) are \$ 95,802—say for the ensuing year it will be, including the warrants unpaid on the 10th Nov. last,	100,000
	<hr/>
The balance in the treasury on the 10th Nov. 1818, will be	\$ 70,443
	J. MADISON, AUD.

D.

A STATEMENT

OF THE SITUATION OF THE PENITENTIARY.

On the 1st of October 1817, the institution was worth,	
in raw materials,	\$ 11,530 76

Manufactured articles,	15,105 72
Debts,	25,112 66

Total, 51,749 14

The institution owes the state for loans, \$9,911 13

William Starling, keeper, for monies advanced by him out of his private funds, for the purchase of raw materials, 11,757 8

Individuals, 17 18

The balance is the nominal worth of the institution on the 1st October last, 30,063 75

Of the debts due to the institution is included a sum of near \$4000, for articles furnished the commissioners superintending the building of the state-house; besides that sum, the agent estimates the debts which will be lost by insolvencies, at \$6000, and the debts due from solvent individuals at \$15,000, for the collection of which many suits have been instituted and are now pending in the different courts. The amount of monies which will be received for debts collected, and articles sold, in the ensuing year, depends upon so many contingencies, that no certain calculations can be made. I should, however, suppose that \$20,000 of the present effects in the hands of the agent, ought to be converted into money. From the 11th February to the 1st October 1817, the articles manufactured and placed in the hands of the agent, amounted to \$22,540 78

The raw materials consumed in that time were 13,333 21

Leaving for the gross profits of the articles manufactured in a space less than eight months, 9,207 57

The expences of the institution during that period, were—

For clothing convicts,	120 76
Dieting do.	1570 79
Fuel,	614 31
Guards,	540 67
Contingent expences,	808 62

The annual salary and commission of the keeper and agent and the pay of an assistant keeper, 1,622

Total expences, 5,277 15

Leaving for the nett profits on the articles manufactured, a sum of 3,930 42

The keeper represents the articles manufactured to be of good quality, and prices affixed ten per cent. lower than heretofore had been done. That the quantity of articles manufactured had fallen short of his expectations, from the following causes : That he did not, until about the 1st of April, get a full supply of materials ; that about that period twelve of the best mechanics escaped ; and foreseeing from the unfavorable prospect of sales and collections, that the raw materials would be consumed before he would be in funds to purchase more, he lessened the labor of the convicts, to prevent entire idleness, or their employment at labor which would be unproductive.

He also states that the credit of the institution is good ; but has been sustained at considerable individual expence and inconvenience ; and asks of the legislature to direct the payment of the debt due to him from the treasury.

If, in closing this detail of facts, I may be permitted to express an opinion, it is that the keeper has been zealous, judicious and active, in promoting the interest of the institution.

J. MADISON, AUD.

A bill to amend and repeal the several acts concerning billiard tables, was read a second time and committed to a committee of the whole house on the state of the commonwealth.

The senate then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Owens in the chair ; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Owens reported, that the committee had taken into consideration said bill, and had gone through the same with sundry amendments, which he handed in at the clerk's table, which were severally twice read and agreed to.

On motion,

Ordered, That the bill, with the amendments, be recommitted to a select committee of Messrs. Bledsoe, Southgate, Owens, Crutcher, Simrall and Bowmar.

An engrossed bill to alter the time of holding the county courts of Ohio and Daviess, and to legalise their proceedings in certain cases, was read a third time.

Resolved, That said bill do pass, and that the title be "an act to alter the time of holding the county courts of Ohio and Daviess, and to legalise their proceedings in certain cases, and for other purposes."

Ordered, That the clerk do carry the said bill to the house of representatives, and request their concurrence.

Mr. Johnson presented the petition of Samuel S. Brooking and others, securities of Jesse C. Rountree, deputy sheriff of Warren county, representing that said Rountree has not collected all the revenue due from said county for the present year, and has left the state, and praying for further time to collect the balance; which was read and referred to the committee for courts of justice.

On the motion of Mr. Harrison, leave was given to bring in a bill to amend the several acts concerning the limitations of actions; and Messrs. Harrison, Hillyer, Bledsoe, Wickliff, Bridges and Southgate were appointed a committee to prepare and bring in the same.

And then the senate adjourned.

TUESDAY, DECEMBER 9, 1817.

The senate assembled.

Mr. Johnson presented the petition of Harriett Blackemore, stating that she is an infant and is possessed of 120 acres of land in Woodford county, and praying that a law may pass authorising her father to sell and convey said tract of land.

Mr. Given presented the petition of the widow of Moses Greer, deceased, stating that he died considerably in debt, and possessed of no property except 55 acres of land lying in Livingston county, which is not paid for, and praying that a law may pass to appoint commissioners to sell the land, and out of the proceeds to pay his debts.

Which were severally read and referred to the committee for courts of justice.

Mr. Owens, from the committee for courts of justice, made the following report, to wit:

The committee for courts of justice have according to order had under consideration the petition of Samuel S. Brooking and others, securities of Jesse C. Rountree, deputy sheriff of Warren county, representing that said Rountree has not collected all the revenue due from said county for the present year, and has left the state, and praying for further time to collect the balance, and have come to the following resolution thereupon, to wit:

Resolved, That said petition is reasonable.

Which being twice read was agreed to.

Ordered, That the said committee prepare and bring in a bill pursuant to said resolution.

Leave was given to bring in the following bills, to wit :

On the motion of Mr. Eve—1. A bill for the benefit of Elijah Combs.

On the motion of Mr. Given—2. A bill for the benefit of James Foster.

✓ On the motion of Mr. Bledsoe—3. A bill more effectually to provide for the payment into the treasury of this commonwealth the fines and forfeitures made payable thereto.

On the motion of Mr. Owens—4. A bill to continue in force, amend and explain an act for appropriating the vacant lands in this commonwealth, approved February 6th 1815.

On the motion of Mr. Johnson—5. A bill for classing tobacco.

On the motion of Mr. Owens—6. A bill allowing further time to survey seminary lands in this commonwealth.

On the motion of Mr. Bridges—7. A bill to amend an act entitled an act authorising the sale of part of the public square in the town of Harrodsburg, and an act supplemental thereto : 8. and a bill concerning the court of appeals.

And on the motion of Mr. Barry—9. A bill to amend an act to incorporate the Kentucky Insurance Company.

Ordered, That Messrs. Eve, Thompson and Griffin be appointed a committee to prepare and bring in the first; Messrs. Given, Faulkner and Perrin, the second; Messrs. Bledsoe, Southgate and Hardin, the third; Messrs. Owens, Welch, Wood and Simrall, the fourth; Messrs. Johnson, Harrison, Jones, Yancey, H. Taylor and Wickliff, the fifth; Messrs. Owens, Simrall, Johnson and Bledsoe, the sixth; Messrs. Bridges, Faulkner, Crutcher and Owens, the seventh; Messrs. Bridges, Bledsoe, Harrison, Johnson and Barry, the eighth; and Messrs. Barry, Bridges, Wood and Yancey, the ninth.

A message from the house of representatives, by Mr. Ward :

Mr. Speaker—The house of representatives have passed bills of the following titles, to wit : An act for the benefit of James M. Cogswell and the heirs of Samuel Dirickson, deceased ; an act to amend a law entitled an act to incorporate the trustees of the Allen seminary ; an act for the establishment and regulation of the town of Somersville, in Green county ; and an act to alter the time of holding the county courts of Greenup, and for other purposes : in which they request the concurrence of this house.

And then he withdrew.

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A message from the house of representatives, by Mr. Marshall :

Mr. Speaker—The house of representatives concur in the resolution from the senate for appointing a joint committee to examine the state bank, and have appointed a committee on their part.

And then he withdrew.

And Messrs. Johnson, Faulkner, Southgate and Hillyer were appointed a committee on the part of the senate.

Ordered, That Mr. Wickliff acquaint the house of representatives therewith.

A message from the house of representatives by Mr. Underwood :

Mr. Speaker—The house of representatives have passed bills of the following titles, to wit : An act for the benefit of Peter Wood ; an act for the benefit of Martha Snodgrass ; an act for the benefit of Sally W. Boler ; an act for the benefit of the widow and heirs of Thomas Clark, deceased ; and an act to authorise the county court of Washington to permit the building a mill upon the Beech fork of Salt river in which they request the concurrence of the senate.

And then he withdrew.

Bills from the house of representatives of the following titles were severally read the first time, to wit : 1. An act for the establishment and regulation of the town of Somersville, in Green county ; 2. an act to alter the time of holding the county court of Greenup, and for other purposes ; 3. an act for the benefit of James M. Cogswell and the heirs of Samuel Dirickson, deceased ; 4. an act for the benefit of the widow and heirs of Thomas Clark, deceased ; 5. an act for the benefit of Martha Snodgrass ; 6. an act for the benefit of Sally W. Boler ; 7. an act for the benefit of Peter Wood ; 8. an act to authorise the county court of Washington to permit the building a mill upon the Beech fork of Salt river ; and 9. an act to amend a law entitled an act to incorporate the trustees of the Allen seminary.

The rule was dispensed with, and the four first bills were severally read a second time, and the first a third time ; the second was committed to a select committee of Messrs. Bowmar, Welch and Perrin, and the third and fourth ordered to be read a third time, and the five latter a second time.

Resolved, That the first bill do pass, and that the clerk inform the house of representatives thereof.

On the motion of Mr. Jones,

Ordered, That the committee of the whole house on the

state of the commonwealth be discharged from a further consideration of a motion for leave to bring in a bill for taking the sense of the good people of this commonwealth as to the necessity and expediency of calling a convention, and the motion for leave to bring in the bill is laid on the table until to-morrow.

On the motion of Mr. Southgate,

Ordered, That the committee of the whole house on the state of the commonwealth be discharged from a further consideration of the bill to amend the several acts concerning the jurisdiction of magistrates, and that the same be committed to a select committee of Messrs. Southgate, Bledsoe, Owens, Bridges, Simrall and Hillyer.

Mr. Johnson moved the following resolution, to wit:

Resolved by the senate, That the sergeant at-arms cause seats to be erected in the lobby and gallery of the senate, for the accommodation of spectators.

Which was read and adopted.

Mr. Barry presented the petition of the committee of the Fayette Hospital, representing the situation of the institution and praying a loan of \$ 10,000 for the term of five years (upon securing the payment by mortgage on their real estate) to enable them to discharge their debts and finish the hospital.

Mr. H. Taylor presented the petition of sundry citizens of the town of Winchester, in Clark county, praying that a law may pass allowing the trustees of said town to raise by way of lottery twelve thousand dollars, for the purpose of regulating and paving the main street in said town; and the surplus, if any, to be appropriated in procuring a fire engine.

Which were severally read and referred. the former to a select committee of Messrs. Barry, Bridges, Chambers, Bledsoe and Wickliff, and the latter to a select committee of Messrs. H. Taylor, Hardin, Wilson and R. Taylor; who have leave to report by bills or otherwise.

Mr. Owens, from the committee appointed for that purpose, reported a bill allowing further time to survey seminary lands in this commonwealth; which was read the first time and ordered to be read a second time.

And then the senate adjourned.

WEDNESDAY, DECEMBER 10, 1817.

The senate assembled.

Mr. H. Taylor, from the committee for courts of justice, made the following report, to wit :

The committee for courts of justice have according to order had under consideration several petitions to them referred, and have come to the following resolutions thereupon, to wit :

Resolved, That the petition of Harriet Blakemore, representing that she is an infant, and is possessed of 120 acres of land in Woodford county, by deed, which if sold and the proceeds vested in other lands in the Green river country, would be to her advantage, and praying that a law may pass authorising her father to sell and convey the land and so to apply the proceeds, *is reasonable*.

Resolved, That the petition of Charlotte Greer, representing that her husband, Moses Greer, died considerably in debt, possessed of no property except 55 acres of land in Livingston county, and praying that a law may pass authorising commissioners to sell the same and apply the proceeds to the discharge of his debts, *is reasonable*.

Which was twice read and concurred in.

Ordered, That said committee prepare and bring in bills pursuant to said resolutions.

The following bills were reported from the committees appointed to prepare and bring in the same, to wit :

By Mr. Owens—A bill to continue in force, amend and explain an act for appropriating the vacant lands in this commonwealth.

By Mr. Johnson—A bill to lessen the number and alter the mode of electing the trustees of the Transylvania University.

By Mr. Southgate—A bill to amend the several acts respecting circuit courts.

By Mr. H. Taylor—A bill for the benefit of Harriet Blakemore.

And by Mr. Bridges—A bill concerning the court of appeals.

Which were severally read the first time, and ordered to be read a second time : the rule was then dispensed with, and the latter bill read the second time and ordered to be engrossed and read a third time.

Mr. Bowmar, from the committee to whom was referred a bill from the house of representatives entitled " an act to alter the time of holding the county courts of Greenup and for

other purposes," reported the same with an amendment, which was read and ordered to be laid on the table.

A message from the house of representatives, by Mr. Underwood:

Mr. Speaker—The house of representatives have passed bills of the following titles: An act further to regulate the payment of the debt due the commonwealth for the sale of vacant lands, and an act further to regulate the towns of Flemingsburg; in which they request the concurrence of the senate.

And then he withdrew.

The bills were then severally read the first time: the former was ordered to be read a second time; and the rule being dispensed with, the latter bill was read a second time and ordered to be read a third time.

Bills from the house of representatives of the following titles were severally read a second time, to wit: 1. An act to amend a law entitled an act to incorporate the trustees of the Allen seminary; 2. an act for the benefit of Peter Wood; 3. an act for the benefit of Martha Snodgrass; 4. an act for the benefit of Sally W. Bowler; 5. an act to authorise the county court of Washington to permit the building a mill upon the Beech fork of Salt river. And the following bills were severally read a third time, to wit: 6. An act for the benefit of the widow and heirs of Thomas Clark, deceased; and 7. an act for the benefit of James M. Cogswell and the heirs of Samuel Dirickson, deceased.

The rule being dispensed with, the first bill was read a third time.

Resolved, That the first, sixth and seventh bills do pass, and that the clerk inform the house of representatives thereof: the second was committed to Messrs. Yancey, Faulkner, Wickliff, Bledsoe, Owens and South; the third and fourth to Messrs. Owens, Simrall, Thompson, Wickliff and Jones; and the fifth to Messrs. Wickliff, Harrison and Crutcher.

A bill allowing further time to survey seminary lands in this commonwealth was read a second time and ordered to be laid on the table.

The motion for leave to bring in a bill for taking the sense of the people as to the necessity and expediency of calling a convention, was then taken up; and the question being put, it was resolved in the affirmative—Yeas 20, nays 12.

The yeas and nays having been required by Messrs Harrison and Bridges, were as follows, to wit:

Those who voted in the affirmative are, Mr. Speaker, and Messrs. Bridges, Chambers, Crutcher, Eve, Faulkner, Given, Griffin, Hardin, Harrison, Hillyer, Johnson, Jones, Mason, Owens, Welch, Wickliff, Wilson, Wood and Worthington.

Those who voted in the negative are, Messrs. Bartlett, Barry, Bledsoe, Bowmar, Perrin, Simrall, South, Southgate, H. Taylor, R. Taylor, Thompson and Yancey.

Ordered, That Messrs. Jones, Owens, Crutcher, Griffin, Hardin, Johnson and Bridges be appointed a committee to prepare and bring in the bill; and after some time Mr. Jones reported a bill, which was read the first time and ordered to be read a second time.

Ordered, That Messrs. Bledsoe, Southgate and Perrin be added to the committee to whom was referred the lieutenant governor's message as relates to internal navigation.

Leave was given to bring in the following bills:

On the motion of Mr. Southgate—A bill concerning executors and administrators. And on the motion of Mr. Bledsoe—A bill concerning the erection of poor-houses in the several counties of this commonwealth.

And Messrs. Southgate, Bledsoe, Bridges and Barry were appointed to prepare and bring in the former; and Messrs. Bledsoe, Eve, Southgate and Barry the latter.

Mr. Simrall presented the petition of William Lytle, representing that he holds the fee simple estate to a large tract of land in Jefferson county, lying on the Ohio river, from the upper to the lower end of the falls; that he has caused a survey to be made for a canal through said land; and praying that a law may pass for making the canal and regulating the tolls, and offers to sell to the state half the stock: and further stating that he is willing that several of the adjacent states who are interested in the scheme, may purchase part of the stock, referring it to this state to determine the proportions: and further, that he has reserved a suitable site for a foundery and armory, and offers it as a donation to this, or the national government, whichever will accept it; and lastly, praying the legislature, if they pass the law, to take proper means to enable the other states to subscribe for their portions; and if the legislature shall decline accepting the site for the foundery, that they will use their influence in inducing the national government to accept it.

Which was read and referred to Messrs. Simrall, Bartlett, Southgate, H. Taylor, Barry, Bledsoe and Bridges, with leave to report by bill or otherwise.

And then the senate adjourned.

THURSDAY, DECEMBER 11, 1817.

The senate assembled.

Mr. Barry presented the petition of Lewis Sanders, representing that he has for some years been engaged in erecting buildings, procuring machinery, engines, &c. for the purpose of manufacturing goods out of the produce of our own country; that he has been at great trouble and exhausted his whole capital; that the establishment is now completed; and praying the legislature to grant him a charter of incorporation, with a capital of \$500,000, to be divided into shares of \$50 each, and that one half of the capital be vested and exclusively employed in manufacturing purposes, and the other half to banking, under suitable restrictions: which was read and referred to Messrs. Barry, Harrison, Bowmar, Simrall, Wickliff, Chambers, Johnson and Jones; who have leave to report by bill or otherwise.

The following bills were reported from the committees appointed to prepare and bring in the same, to wit:

By Mr. Blodsoe—A bill more effectually to provide for the payment into the public treasury of this commonwealth the fines and forfeitures payable thereto.

By Mr. Bridges—A bill to amend the act entitled an act authorising the sale of part of the public square in the town of Harrodsburg and an act supplemental thereto.

By Mr. Barry—A bill for the improvement of internal navigation.

And by Mr. H. Taylor—A bill to amend the act entitled an act for the benefit of the infant heirs of Edmund Taylor, deceased, of Campbell county.

Which were severally read the first time and ordered to be read a second time; and the rule being dispensed with, the latter bill was read a second time and ordered to be engrossed and read a third time.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Barry—1. A bill to incorporate a company for the opening of a turnpike road from Lexington to Cleveland's landing on the Kentucky river.

On the motion of Mr. Wickliff—2. A bill to authorise the county courts of Nelson and Shelby to build a permanent bridge across Salt river.

On the motion of Mr. Bridges—3. A bill to amend an act entitled an act authorising the sale of part of the public ground in the town of Danville, and incorporating the trustees of the Danville academy, and for other purposes.

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On the motion of Mr. Jones—4. A bill to authorise the county courts to discontinue public roads.

And on the motion of Mr. Simrall—5. A bill to amend and reduce into one the several acts concerning the town of Shelbyville.

Messrs. Barry, Mason, Given, Jones and H. Taylor were appointed to prepare and bring in the first; Messrs. Wickliff, Simrall, Owens and Welch, the second; Messrs. Bridges, Southgate, Perrin, Welch and Owens, the third; Messrs. Jones, Given, Bridges, Faulkner and Wilson, the fourth; and Messrs. Simrall, Yancey, Mason and Owens, the fifth; and after some time, Mr. Simrall reported the latter bill, which was read the first time, and the rule being dispensed with it was read a second time and ordered to be engrossed and read a third time.

Mr. Yancey, from the select committee to whom was referred a bill from the house of representatives entitled "an act for the benefit of Peter Wood," reported the same with an amendment, which was read, and together with the bill, ordered to be laid on the table.

Bills from the house of representatives, to wit: An act further to regulate the town of Flemingsburg; and an act further to regulate the payment of the debt due the commonwealth for the sale of vacant land; were severally read, the former a third time, and the latter a second time.

Resolved, That the former do pass, and that the clerk inform the house of representatives thereof. The latter was ordered to be read a third time.

An engrossed bill concerning the court of appeals, was read the third time.

Resolved, That said bill do pass, and that the title be "an act concerning the court of appeals."

Ordered, That the clerk do carry the said bill to the house of representatives, and request their concurrence.

And then the senate adjourned.

FRIDAY, DECEMBER 12, 1817.

The senate assembled.

Mr. Bartlett presented the petition of sundry citizens of the counties of Jefferson, Shelby and Henry, praying the erection of a new county out of a part of each; also petitions counter thereto.

Mr. Chambers presented the petition of sundry citizens of Maysville, praying a charter of incorporation for an inde-

pendent bank, to be located at that place, to be connected with the turnpike system of this state.

Which were severally read and referred, the former to the committee of propositions and grievances, and the latter to Messrs. Chambers, Barry, Johnson, Bowmar, Simrall, Parks, Eve, Bridges, Bledsoe, Owens, Perrin and Southgate; who have leave to report by bill or otherwise.

The following bills were reported from the respective committees appointed to bring in the same, to wit:

By Mr. Jones—A bill authorising county courts to discontinue public roads.

By Mr. Eve—A bill for the benefit of Elijah Combs.

By Mr. Given—A bill for the benefit of James Foster.

And by Mr. Barry—A bill to amend an act to incorporate the Kentucky Insurance Company.

Which were severally read the first time and ordered to be read a second time.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Owens—1. A bill to amend the several acts authorising changes of venue.

On the motion of Mr. Barry—2. A bill providing for a change of venue in the case of Jacob Stanger, who stands indicted for murder, in Madison county.

And on the motion of Mr. Owens—3. A bill to amend an act concerning alimony.

Ordered, That Messrs. Owens, Bridges, Crutcher, Faulkner and Harrison be appointed to bring in the first; Messrs. Barry, Owens, Griffin, Jones and Southgate, the second; and Messrs. Owens, Simrall, Bridges and Johnson, the third.

Mr. Owens, from the first committee, reported a bill, which was read the first time and ordered to be read a second time.

The following bills were read a second time, to wit: 1. A bill to continue in force, amend and explain an act for appropriating the vacant lands in this commonwealth; 2. a bill to reduce the number and alter the mode of electing the trustees of the Transylvania University; 3. a bill for the benefit of Harriet Blakemore; 4. a bill for the improvement of internal navigation; 5. a bill to amend the act entitled an act authorising the sale of part of the public square in the town of Harrodsburg and an act supplemental thereto; 6. a bill to amend the several acts respecting circuit courts; and 7. a bill more effectually to provide for the payment into the

public treasury of this commonwealth the fines and forfeitures payable thereto.

The first was committed to Messrs. Johnson, Owens, Given, Wilson and Hillyer; the sixth to Messrs. Johnson, Southgate, Crutcher and Wickliff; and the seventh to Messrs. Bowmar, Owens and Hillyer. The second, third, fourth and fifth were ordered to be engrossed and read a third time.

Engrossed bills, to wit: A bill to amend and reduce into one the several acts concerning the town of Shelbyville, and a bill to amend the act entitled an act for the benefit of the infant heirs of Edmund Taylor, deceased, of Campbell county, were severally read a third time.

Resolved, That said bills do pass, and that the titles be, respectively, "an act to amend and reduce into one the several acts concerning the town of Shelbyville," and "an act to amend the act for the benefit of the infant heirs of Edmund Taylor, deceased, of Campbell county."

Ordered, That the clerk do carry said bills to the house of representatives and request their concurrence.

A bill for taking the sense of the people as to the necessity and expediency of calling a convention, was read a second time; and Mr. Barry moved to commit the same to a committee of the whole house on the state of the commonwealth: and the question being taken on the motion, it was resolved in the negative—Yeas 15, nays 17.

The yeas and nays being required by Messrs. Welch and Jones, were as follows, to wit:

Those who voted in the affirmative are, Messrs. Bartlett, Barry, Bowmar, Chambers, Johnson, Perrin, Parks, Simrall, South, Southgate, R. Taylor, H. Taylor, Thompson, Wood and Yancey.

Those who voted in the negative are, Mr. Speaker, and Messrs. Bridges, Crutcher, Eve, Faulkner, Given, Griffin, Hardin, Harrison, Hillyer, Jones, Mason, Owens, Welch, Wickliff, Wilson and Worthington.

Ordered, That the said bill be engrossed and read a third time.

A bill from the house of representatives entitled "an act further to regulate the payment of the debt due the commonwealth for the sale of vacant land," was read a third time; and the question being taken on the passage thereof, it was resolved in the affirmative—Yeas 27, nays 3.

The yeas and nays being required by Messrs. Jones and Griffin, were as follows, to wit:

Those who voted in the affirmative are, Mr. Speaker, and Messrs. Bartlett, Bowmar, Barry, Bridges, Chambers, Crutcher, Eve, Given, Griffin, Hardin, Hillyer, Johnson, Mason, Owens, Perrin, Sinarall, South, Southgate, R. Taylor, H. Taylor, Thompson, Welch, Wilson, Wood, Worthington and Yancey.

Those who voted in the negative are, Messrs. Faulkner, Jones and Wickliff.

Resolved, That the said bill do pass, and that Mr. Johnson inform the house of representatives thereof.

The bill from the house of representatives entitled "an act to alter the time of holding the county courts of Greenup, and for other purposes," together with the amendment proposed by the select committee to whom it was referred, was taken up, the said amendment read and concurred in. The bill was then read a third time as amended.

Resolved, That the same do pass, and that the clerk inform the house of representatives thereof, and request their concurrence in said amendment.

Mr. Johnson, from the committee to whom was referred the bill to amend the several acts respecting circuit courts, reported the same with an amendment; which being twice read, was concurred in.

Ordered, That said bill as amended be engrossed and read a third time.

And then the senate adjourned.

SATURDAY, DECEMBER 13, 1817.

The senate assembled.

The senate received a message in writing from the lieutenant governor, by Mr. Secretary Pope, containing certain nominations, to wit;

Gentlemen of the Senate,

Sundry vacancies having taken place in the military department since the last session of the general assembly, they have been filled by the appointment of the following gentlemen, whose commissions will expire with the present session; and they are now nominated for your approbation, to wit:

Jesse Coffey, colonel of the 74th regiment, in place of Rowland Burks, resigned.

William Labb, lieutenant colonel of the same regiment, in place of Jesse Coffey, promoted.

Abraham Rife, jun. major of the same regiment, in place of William Labb, promoted.

Andrew Combs, lieutenant colonel of the 11th regiment, in place of Jechonias Singleton, resigned.

Richard Davenport, brigadier general of the 8th brigade, in place of Daniel Mock, resigned.

Matthew Coffey, brigade quartermaster of the 16th brigade,

Joseph Parsons, lieutenant colonel of the 75th regiment, in place of Ambrose Arthur, resigned.

James Jackson, major of the same regiment, in place of Joseph Parsons, promoted.

Thomas Elder, lieutenant colonel of the 24th regiment, in the place of Edward L. Head, resigned.

James Dudley, colonel of the 8th regiment, in place of Joseph Scrogam, resigned.

John Wallace, lieutenant colonel of the same regiment, in place of James Dudley, promoted.

William C. Prewitt, major of the same regiment, in place of John Wallace, promoted.

Richard Soward, brigadier general of the 7th brigade, in place of Conrod Overturf, resigned.

Thomas Shaw, colonel of the 52d regiment, in place of John Stapp, resigned.

James Pierce, lieutenant colonel of the same regiment, in the place of Thomas Shaw, promoted.

Zachariah Taylor, major of the same regiment, in the place of James Pierce, promoted.

Charles Campbell, colonel of the 40th regiment, in the place of Moses Wickliff, resigned.

Alney M'Lean, lieutenant colonel of the same regiment, in the place of Charles Campbell, promoted.

William Martin, major of the same regiment, in place of Alney M'Lean, promoted.

Oliver G. Waggener, adjutant general, in the place of Percival Butler, resigned.

Samuel Parker, colonel of the 61th regiment, in place of Hugh Brown, resigned.

William Anderson, lieutenant colonel of the same regiment, in the place of Samuel Parker, promoted.

Eli Pitchfield, major of the same regiment, in place of William Anderson, promoted.

Nicholas Ware, major of the same regiment, in the place of Edward Boone, promoted.

Robert Tyler, major of the 37th regiment, in place of Elijah Stout, resigned.

Joseph Funk, colonel of the 33d regiment, in place of Will. F. Quiry, resigned.

William Ingram, lieutenant colonel of the same regiment, in place of Joseph Funk, promoted.

William Veatch, major of the same regiment, in place of William Ingram, promoted.

Isaac Thomas, lieutenant colonel of the 87th regiment, in place of Owen Willis, resigned.

Frederick Keller, major of the same regiment, in place of John Key, resigned.

Aaron Hart, colonel of the 60th regiment, in the place of Adin Combs, resigned.

Robert Martin, lieutenant colonel of the same regiment, in place of Aaron Hart, promoted.

Elijah Creals, major of the same regiment, in place of Robert Martin, promoted.

John Hughes, brigade quartermaster of the 8th brigade, in place of Paul I. Booker, resigned.

Cornelius Cooper, lieutenant colonel of the 49th regiment, in place of John Bennett, resigned.

Robert Barnett, major of the same regiment, in place of Cornelius Cooper, promoted.

Samuel L. Williams, colonel of the 31st regiment, in place of James Mason, resigned.

Robert Botts, lieutenant colonel of the same regiment, in place of Samuel Williams, promoted.

Simon Gillaspie, major of the same regiment, in place of Robert Botts, promoted.

Thompson Cranshaw, colonel of the 45th regiment, in place of Henry Rennick, resigned.

Abraham Creek, lieutenant colonel of the same regiment, in place of Thompson Cranshaw, promoted.

Samuel Anderson, major of the same regiment, in place of James Carter, resigned.

William Marshall, major of the 25th regiment, in place of William Berryman, resigned.

Tandy Allen, brigade quartermaster for the 4th brigade, in place of Micajah Smith, resigned.

Thomas Winn, major of the 94th regiment, in place of R. P. Steenburger, resigned.

Daniel B. Price, division quartermaster of the 5th division, in place of — Keene, resigned.

Hiram Mellott, colonel of the 1st regiment, in place of John Jones, resigned.

Isaac Forbis, lieutenant colonel of the 38th regiment, in place of Benjamin Coons, resigned.

Henry Clifton, major of the same regiment, in place of Isaac Forbis, promoted.

Henry C. Payne, major of the 10th regiment, in place of Lewis Collins, resigned.

Samuel Estill, colonel of the 19th regiment, in place of Dudley Faris, resigned.

Joseph Miller, lieutenant colonel of the same regiment, in place of Samuel Estill, promoted.

John C. M'Williams, major of the same regiment, in place of Joseph Miller, promoted.

John M. M'Calla, major of the 42d regiment, in the place of Michael Fishel, resigned.

William Buford, major of the 11th regiment, in place of Andrew Combs, promoted.

Abner Lee, major of the 73d regiment, in place of William Glenn, promoted.

John V. Bush, lieutenant colonel of the 17th regiment, in place of William M'Guire, refused to serve.

Francis F. Jackson, major of the same regiment, in place of John V. Bush, promoted.

John D. Thomas, colonel of the 20th regiment, in place of Isaac Holman, removed.

William Furnish, lieutenant colonel of the same regiment, in place of John D. Thomas, promoted.

John Curry, major of the same regiment, in place of William Furnish, promoted.

Willoughby Sanford, colonel of the 14th regiment, in place of Andrew Wallace, resigned.

Robert Matson, lieutenant colonel of the same regiment, in place of Willoughby Sanford, promoted.

Seth Duncan, major of the same regiment, in place of Manson Simmons, resigned.

Joseph Reding, major of the 12th regiment, in place of John J. Johnson, removed.

John Shacklett, major of the 3d regiment, the time for which he was commissioned having expired.

Richard Blanton, quartermaster general, in place of Elijah C. Berry, resigned.

GABL. SLAUGHTER.

December 12th, 1817.

Which were read and ordered to be laid on the table until Friday next.

The following bills were reported from the committees appointed to prepare and bring in the same, to wit :

By Mr. Owens—A bill to amend the act concerning alimony.

And by Mr. Barry—A bill to incorporate the Sanders Manufacturing Company.

Which were severally read the first time and ordered to be read a second time.

Mr. Bledsøe, from the committee to whom was referred a bill to amend and repeal the acts concerning billiard tables, reported the same with an amendment; which being read, was concurred in.

Ordered, That it be committed to a committee of the whole house on the state of the commonwealth.

The following bills were severally read a second time, to wit: A bill authorising county courts to discontinue public roads; a bill for the benefit of James Foster; A bill for the benefit of Elijah Combs; a bill to amend the several acts authorising changes of venue; and a bill to amend an act to incorporate the Kentucky Insurance Company.

The three former were ordered to be engrossed and read a third time, and the two latter committed to a committee of the whole house on the state of the commonwealth.

Engrossed bills, to wit: A bill for the benefit of Harriet Blakemore; a bill to amend the several acts respecting circuit courts; a bill to amend the act entitled an act authorising the sale of part of the public square in the town of Harrodsburg and an act supplemental thereto; were severally read a third time.

Resolved, That said bills do pass, and that the titles respectively be “an act for the benefit of Harriet Blakemore;” “an act to amend the several acts respecting circuit courts,” and “an act to amend the act entitled an act authorising the sale of part of the public square in the town of Harrodsburg and an act supplemental thereto.”

Ordered, That Mr. Bledsøe do carry the two former, and the clerk the latter to the house of representatives, and request their concurrence.

A message from the house of representatives, by Mr. Johnston:

Mr. Speaker—The house of representatives have passed a bill entitled “an act for the relief of the securities of Benjamin Gilbert, former sheriff of Ohio county, and for other purposes,” in which they request the concurrence of the senate.

And then he withdrew.

An engrossed bill for taking the sense of the people as to the necessity and expediency of calling a convention, was read a third time; and the question being taken on the passage, it was resolved in the affirmative—Yeas 19, nays 13.

The yeas and nays having been required by Messrs. Harrison and Given, were as follows, to wit:

Those who voted in the affirmative are, Mr. Speaker, and Messrs. Bridges, Chambers, Crutcher, Eve, Faulkner, Given, Griffin, Hardin, Harrison, Hillyer, Johnson, Joacs, Owens, Welch, Wickliff, Wilson, Wood and Worthington.

Those who voted in the negative are, Messrs. Bartlett, Barry, Bledsoe, Bowmar, Parks, Perrin, Simrall, South, Southgate, R. Taylor, H. Taylor, Thompson and Yancey.

Resolved, That said bill do pass, and that the title be "an act for taking the sense of the people as to the necessity and expediency of calling a convention."

Ordered, That Mr. Owens do carry said bill to the house of representatives, and request their concurrence.

A message from the house of representatives, by Mr. Reeves:

Mr. Speaker—The house of representatives have passed a bill entitled "an act for the benefit of Russell Curtis and Barbara Carter;" in which they request the concurrence of the senate.

And then he withdrew.

Mr. Chambers, from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, to wit: An act for the benefit of James M. Cogswell and the heirs of Samuel Dirickson deceased; an act to amend a law entitled an act to incorporate the trustees of the Allen seminary; an act for the establishment and regulation of the town of Somersville, in Green county; an act further to regulate the payment of the debt due the commonwealth for the sale of vacant lands; an act for the benefit of the widow and heirs of Thomas Clark, deceased; an act further to regulate the town of Flemingsburg; and found the same truly enrolled.

A message from the house of representatives, by Mr. Barr:

Mr. Speaker—The speaker of the house of representatives having signed sundry enrolled bills, I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

The speaker then signed the said bills, being those reported to-day by Mr. Chambers, and they were delivered to the

joint committee of enrolments, to be presented to the lieutenant governor for his approbation.

An engrossed bill for the improvement of internal navigation was read a third time, and Mr. Owens moved the commitment of the bill to a committee of the whole house on the state of the commonwealth; and the question being taken, it was resolved in the negative—Yeas 15, nays 15.

The yeas and nays having been required by Messrs. Owens and Crutcher, were as follows, to wit:

Those who voted in the affirmative are, Mr. Speaker, and Messrs. Bridges, Crutcher, Faulkner, Given, Griffin, Hardin, Harrison, Hillyer, Owens, Southgate, Wilson, Wood, Worthington and Yancey.

Those who voted in the negative are, Messrs. Bartlett, Barry, Bowmar, Bledsoe, Johnson, Jones, Mason, Parks, Perrin, Simrall, South, R. Taylor, H. Taylor, Welch and Wickliff.

Mr. Owens offered the following amendment to the bill—additional section, by way of engrossed rider, to wit:

Be it further enacted, That a just proportion of the sum hereby appropriated be applied to the improvement of that part of the navigation of the Cumberland river between the great falls and its intersection with the Tennessee line.

And the question being taken on agreeing thereto, it was resolved in the negative—Yeas 14, nays 16.

The yeas and nays being required by Messrs. Owens and Wood, were as follows, to wit:

Those who voted in the affirmative are, Mr. Speaker, and Messrs. Bridges, Crutcher, Given, Griffin, Hardin, Harrison, Hillyer, Owens, Southgate, Wilson, Wood, Worthington and Yancey.

Those who voted in the negative are, Messrs. Bartlett, Barry, Bowmar, Bledsoe, Faulkner, Johnson, Jones, Mason, Parks, Perrin, Simrall, South, R. Taylor, H. Taylor, Welch and Wickliff.

And so the said amendment was rejected.

And the question being then taken on the passage of the bill, it was resolved in the affirmative—Yeas 21, nays 9.

The yeas and nays being required by Messrs. Yancey and Owens, were as follows, to wit:

Those who voted in the affirmative are, Messrs. Bartlett, Barry, Bledsoe, Bowmar, Bridges, Faulkner, Hillyer, Johnson, Jones, Mason, Parks, Perrin, Simrall, South, Southgate, R. Taylor, H. Taylor, Welch, Wickliff, Worthington and Yancey.

Those who voted in the negative are, Mr. Speaker, and Messrs. Crutcher, Given, Griffin, Hardin, Harrison, Owens, Wilson and Wood.

Resolved, That said bill do pass, and that the title be "an act for the improvement of internal navigation."

Ordered, That Mr. Barry carry said bill to the house of representatives, and request their concurrence.

And then the senate adjourned.

MONDAY, DECEMBER 15, 1817.

The senate assembled.

Mr. Wickliff presented the petition of sundry citizens of Nelson county, representing that a certain Ignatius Hotton-roth came from Europe to America with the society of monks in 1804; that he purchased a house and lot in Bardstown; that he never was naturalized, died seized of the lot and without heirs; praying that a law may pass disclaiming the commonwealth's right of escheat to the property, and that it may be sold and applied towards the finishing of a cathedral and seminary, begun by the society of Roman Catholics, of which he was a member.

Mr. Hardin presented the petition of sundry citizens of Jefferson county, counter to that presented on a former day for the erection of a new county out of a part of Jefferson, Shelby and Henry counties.

Which were severally read and referred, the former to Messrs. Wickliff, Johnson, Wilson, Crutcher, Barry and Bledsoe, who have leave to report by bill or otherwise; and the latter to the committee of propositions and grievances.

Mr. Yancey, from the joint committee of enrolments, reported that they had laid before the lieutenant governor for his approbation, sundry enrolled bills, being the same signed by the speaker of the senate on Saturday.

A message from the house of representatives, by Mr. Johnston:

Mr. Speaker—The house of representatives have passed a bill from the senate entitled "an act to alter the time of holding the county courts of Ohio and Daviess, and to legalise their proceedings in certain cases, and for other purposes." They have passed bills of the following titles: An act for the benefit of Francis M'Dermitt, and an act for the purpose of allowing an additional number of justices of the

peace to certain counties in this commonwealth ; in which they request the concurrence of the senate.

And then he withdrew.

Leave was given to bring in the following bills, to wit :

On the motion of Mr. H. Taylor—1. A bill to amend so much of an act entitled an act for the benefit of Betsey Irvine and the heirs of Job Carter, as relates to the said heirs.

On the motion of Mr. Wood—2. A bill further to indulge the settlers on the lands acquired by the treaty of Tellico, to pay the state price on their claims.

On the motion of Mr. Wickliff—3. A bill to alter the time of the meeting of the general assembly.

On the motion of Mr. H. Taylor—4. A bill for the benefit of the poor of this commonwealth.

And on the motion of Mr. Crutcher—5. A bill to regulate the sitting of sundry county courts in this commonwealth.

Ordered, That Messrs. H. Taylor, Wood, Harrison and Perrin be appointed a committee to prepare and bring in the first ; Messrs. Wood, Griffin, Mason and Chambers, the second ; Messrs. Wickliff, Johnson, Hardin and Griffin, the third ; Messrs. H. Taylor, Wood, Perrin, Johnson, Bledsoe and Hillyer, the fourth ; and Messrs. Crutcher, R. Taylor and Simrall, the fifth.

Mr. Wood, from the second committee, reported a bill, which was read the first time and ordered to be read a second time.

Ordered, That Messrs. Amos Kendall and John H. Farnham be permitted to take seats within the senate chamber, for the purpose of taking a sketch of the proceedings and debates of the senate during the present session.

Engrossed bills, to wit : A bill to reduce the number and alter the mode of electing the trustees of the Transylvania University ; a bill for the benefit of James Foster ; a bill authorising county courts to discontinue public roads ; and a bill for the benefit of Elijah Combs ; were severally read a third time.

Resolved, That the three former bills do pass, and that the titles be, respectively, an act to regulate the Transylvania University ; an act for the benefit of James Foster ; and an act authorising county courts to discontinue public roads.

Ordered, That Mr. Johnson do carry the first, Mr. Given the second, and Mr. Jones the third to the house of representatives, and request their concurrence. The latter was ordered to be laid on the table.

A bill to incorporate the Sanders Manufacturing Company, and a bill to amend the act concerning alimony, were severally read a second time and committed to a committee of the whole house on the state of the commonwealth.

Bills from the house of representatives of the following titles, to wit: An act for the benefit of Russell Curtis and Barbara Carter; an act for the relief of the securities of Benjamin Gilbert, former sheriff of Ohio county, and for other purposes; an act for the benefit of Francis M'Dermitt; and an act for the purpose of allowing an additional number of justices of the peace to certain counties in this commonwealth; were severally read the first time and ordered to be read a second time.

And then the senate adjourned.

TUESDAY, DECEMBER 16, 1817.

The senate assembled.

Mr. Bartlett presented the petition of sundry citizens of Henry county, counter to that presented on a former day for the erection of a new county out of a part of the counties of Jefferson, Henry and Shelby; which was read and referred to the committee of propositions and grievances.

Mr. Simrall, from the committee appointed for that purpose, reported a bill to protect slaves from cruel treatment; which was read the first time and ordered to be read a second time.

Bills from the house of representatives, of the following titles, to wit: An act for the benefit of Russell Curtis and Barbara Carter; an act for the benefit of Francis M'Dermitt; an act for the purpose of allowing an additional number of justices of the peace to certain counties in this commonwealth; and an act for the relief of the securities of Benjamin Gilbert, former sheriff of Ohio county, and for other purposes; were severally read a second time, and the three former ordered to be read a third time. The latter was committed to Messrs. Johnson, Hillyer, South and R. Taylor.

A bill further to indulge the settlers on the lands acquired by the treaty of Tellico to pay the state price on their claims, was read a second time and ordered to be engrossed and read a third time.

An engrossed bill for the benefit of Elijah Combs, was taken up and the blanks therein filled.

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Resolved, That said bill do pass, and that the title be "an act for the benefit of Elijah Combs."

Ordered, That Mr. Eve carry said bill to the house of representatives and request their concurrence.

The senate then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Simrall in the chair; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Simrall reported, that the committee had taken into consideration a bill to amend and repeal the acts concerning billiard tables; a bill to amend an act to incorporate the Kentucky Insurance Company; and a bill to amend an act concerning alimony; and had gone through the same with amendments, which he handed in at the clerk's table, where the same were severally twice read and concurred in with amendments.

Ordered, That the first be recommitted to a committee of the whole house on the state of the commonwealth, and the second and third engrossed and read a third time.

Mr. H. Taylor, from the committee appointed for that purpose, reported a bill for the relief of the late sheriff of Warren county; also a bill for the benefit of Charlotte Greer and the heirs of Moses Greer, deceased; which were severally read the first time and ordered to be read a second time.

A message from the house of representatives, by Mr. Bates:

Mr. Speaker—The house of representatives have passed a bill entitled an act to amend and extend the law authorising a turnpike on the road leading from the counties of Madison and Rockcastle to the Goose creek salt-works, in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives by Mr. Baylor:

Mr. Speaker—The house of representatives have passed a bill entitled "an act to amend the act regulating elections," in which they request the concurrence of the senate.

And then he withdrew.

The bill was taken up and read the first time: and Mr. Bowmar moved to dispense with the rule of the senate as to the second reading, and to commit it to a committee of the whole house on the state of the commonwealth; and the question being taken on dispensing with the rule, it was resolved in the negative—Yeas 15, nays 18.

The yeas and nays being required by Messrs. Johnson and Chambers, were as follows, to wit :

Those who voted in the affirmative are, Messrs. Barry, Bledsoe, Bowmar, Chambers, Eve, Given, Johnson, Parks, Perrin, Southgate, South, H. Taylor, Thompson, Wood and Yancey.

Those who voted in the negative are, Mr. Speaker, and Messrs. Bartlett, Bridges, Crutcher, Faulkner, Griffin, Hardin, Harrison, Hillyer, Jones, Mason, Owens, Simrall, R. Taylor, Welch, Wickliff, Wilson and Worthington.

Mr. Johnson moved to postpone the further consideration of the bill until to-morrow, which being seconded Messrs. Owens and Faulkner gave notice that the yeas and nays would be required on the question.

Mr. Owens then moved to amend the motion, by striking out the word "to-morrow," and inserting the words "the fourth of July next;" and gave notice, seconded by Mr. Faulkner, that the yeas and nays would be required.

And then the senate adjourned.

WEDNESDAY, DECEMBER 17, 1817.

The senate assembled.

A message from the house of representatives, by Mr. Lackey :

Mr. Speaker—The house of representatives have passed bills of the following titles: An act regulating the town of Prestonsburg, in Floyd county; and an act for the benefit of the securities of Thomas Evans, late sheriff of Floyd county; in which they request the concurrence of the senate.

And then he withdrew.

The following bills were reported from the committees appointed to prepare and bring in the same, to wit :

By Mr. Wickliff—A bill to relinquish the commonwealth's claim to the estate of Ignatius Hottenroth.

By Mr. Crutcher—A bill to regulate the sitting of certain county courts in this commonwealth.

And by Mr. Bridges—A bill concerning the town of Danville.

Which were severally read the first time, and the rule being dispensed with they were severally read a second time and ordered to be engrossed and read a third time.

Mr. Hillyer, from the committee to whom was referred a bill from the house of representatives entitled an act for the

relief of the securities of Benjamin Gilbert, former sheriff of Ohio county, and for other purposes, reported the same without amendment.

The bill was then read a third time.

Resolved, That the said bill do pass, and that the clerk inform the house of representatives thereof.

On the motion of Mr. Barry,

Ordered, That the committee of the whole house on the state of the commonwealth be discharged from a further consideration of a bill to incorporate the Sanders Manufacturing Company; which being done accordingly, the bill was ordered to be engrossed and read a third time.

And then the senate adjourned.

THURSDAY, DECEMBER 18, 1817.

The senate assembled.

A message from the house of representatives, by Mr. W. K. Wall:

Mr. Speaker—The house of representatives have adopted the following resolution, to wit:

IN THE HOUSE OF REPRESENTATIVES, Dec. 17, 1817.

Resolved by the general assembly of the commonwealth of Kentucky, That when they adjourn on Tuesday the 23d inst. they will adjourn until Monday the 29th.

Att.

R. S. TODD, C. H. R.

In which resolution they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives by Mr. Ward:

Mr. Speaker—The house of representatives concur in the amendment offered by the senate to a bill which originated in that house, entitled an act to alter the time of holding the county courts of Greenup, and for other purposes.

And then he withdrew.

The senate received a message in writing from the lieutenant governor, by Mr. Waggener, containing nominations, to wit:

Gentlemen of the Senate,

I nominate for your advice and consent—

Henry F. Greenwood, notary public in and for the county of Barren.

James C. Rodes, notary public in and for the county of Fayette, in place of John D. Young, resigned.

Raphael Lancaster, notary public in and for the county of Washington.

William Brown, attorney for the commonwealth in and for the second judicial district, in place of Richard Southgate, resigned.

Wm. T. Smith, notary public in and for the county of Scott.

Wm. S. Tinder, sheriff of the county of Warren, in place of John Ray, resigned.

Wm. Taylor, notary public in and for the county of Fayette and town of Lexington.

Alexander K. Marshall, reporter of the decisions of the court of appeals, in place of George M. Bibb, resigned.

John Thompson, (of Scott county) agent of the Kentucky penitentiary, in place of Gordon F. Saltinstall, resigned.

Richard Taylor, (of Leestown) sergeant of the court of appeals, to fill the vacancy caused by his own resignation.

John Davenport, sheriff of the county of Union, in place of Samuel Givens, resigned.

Wm. Payne, notary public in and for the county of Mason and town of Maysville, in place of Richard S. Wheatly, resigned.

GABL. SLAUGHTER.

Dec. 18, 1817.

The nomination of William Payne, as notary public in and for the county of Mason and town of Maysville, was taken up and read.

Resolved, That the senate advise and consent thereto, and that Messrs. Chambers, Perrin and Jones acquaint the lieutenant governor therewith.

Mr. Simrall, from the committee of propositions and grievances, made the following report, to wit:

The committee of propositions and grievances have according to order had under consideration the petition of sundry citizens of the counties of Jefferson, Shelby and Henry, and have come to the following resolution thereupon, to wit:

Resolved, That the said petition, representing that the petitioners live a great distance from the seats of justice of their respective counties aforesaid, and are put to much trouble and inconvenience on that account, and praying that a new county may be formed out of parts of each of the aforesaid counties, *be rejected*.

Which was twice read and concurred in.

Mr. Wickliff, from the committee to whom was referred a bill from the house of representatives, entitled "an act to

authorise the county court of Washington to permit the building a mill upon the Beech fork of Salt river, reported the same with amendments, which being severally twice read were concurred in.

Resolved, That the said bill as amended do pass.

Ordered, That the clerk inform the house of representatives thereof, and request their concurrence in said amendments.

A bill from the house of representatives entitled "an act to amend the act regulating elections," was taken up, and is in the following words, to wit:

AN ACT to amend the act regulating Elections.

§ 1. *Be it enacted by the general assembly of the commonwealth of Kentucky*, That at the next general election, and at the time and places of voting for representatives, the citizens of this commonwealth entitled to suffrage, shall vote for and elect a governor of this commonwealth, to fill the vacancy occasioned by the death of George Madison; and they shall also at the same time and places vote for and elect a lieutenant governor.

§ 2. *And be it further enacted by the authority aforesaid*, That whenever the office of governor shall hereafter become vacant, by the death, removal from office, refusal to qualify, or resignation of the governor, the secretary of state, or if there be no secretary of state in office, then the person administering the government, shall forthwith cause a notification of the vacancy of the office of governor to be made by publication in two newspapers printed in this state, one of which shall be that edited by the public printer, specifying in such notification that the polls are to be opened for the election of a governor and lieutenant governor at the next general election of representatives; provided there shall be the space of thirty days between the happening of such vacancy and the next general election of representatives: but if there shall not be the space of thirty days between the happening of such vacancy and the next succeeding general election of representatives, and if the time of four years since the election of the governor last in office shall not expire at the next general election of representatives ensuing the date of such notification, then the secretary of state, or if there be no secretary of state in office, then the person administering the government, as the case may be, shall specify in the notification that the governor and lieutenant governor are to be chosen at the general election of representatives which shall next be holden after the expiration of thir-

ty days from the happening of the vacancy of the office of governor; and the governor and lieutenant governor shall be chosen accordingly.

§ 3. *And be it further enacted*, That the term for which the governor shall be elected, in pursuance of the first, or of the second section of this act, shall be, and it is hereby declared to be four years, according to the second section of the third article of the constitution; and the governor shall commence the execution of his office on the fourth Tuesday succeeding the day of the commencement of the general election at which he shall have been chosen, and shall continue in the execution thereof until the end of four weeks next succeeding the election of his successor, and until his successor shall have taken the oaths or affirmation, as is prescribed by the fifth section of the third article of the constitution; and the lieutenant governor to be chosen under the first or the second section of this act, shall continue in his office of lieutenant governor for the same time that the governor continues in office, as prescribed by the sixteenth section of the said third article of the constitution; and shall perform all the duties enjoined upon him by the other sections of the constitution in relation to the lieutenant governor.

§ 4. *And be it further enacted*, That the sheriffs, judges of the election, and all other officers, and all persons concerned in the execution of this act, shall in all respects be regulated by, and conform to the provisions and enactments of the law, approved December 21st, 1799, entitled "an act regulating elections."

§ 5. *And be it further enacted*, That the only evidence of a refusal to accept, or of resignation of the office of governor, or of lieutenant governor, shall be an instrument of writing declaring the same, and subscribed by the person refusing to accept, or resigning, as the case may be, and delivered into the office of the secretary of state.

And the question on a second reading thereof being put, it was resolved in the negative—Yeas 14, nays 18.

The yeas and nays being required by Messrs. Owens and Jones, were as follows, to wit:

Those who voted in the affirmative are, Messrs. Barry, Bledsøe, Bowmar, Chambers, Given, Johnson, Parks, Perrin, South, Southgate, H. Taylor, Thompson, Wood, and Yancey.

Those who voted in the negative are, Mr. Speaker, and Messrs. Bartlett, Bridges, Crutcher, Eve, Faulkner, Griffin,

Hardin, Harrison, Hillyer, Jones, Owens, Simrall, R. Taylor, Welch, Wickliff, Wilson and Worthington.

And so the said bill was rejected.

Ordered, That the clerk inform the house of representatives thereof.

An engrossed bill to incorporate the Sanders Manufacturing Company, was read a third time; and the question being taken on the passage thereof, it was resolved in the affirmative—Yeas 21, nays 6.

The yeas and nays being required by Messrs. Given and Faulkner, were as follows, to wit:

Those who voted in the affirmative are, Mr. Speaker, and Messrs. Barry, Bledsoe, Bowmar, Bridges, Chambers, Crutcher, Eve, Faulkner, Hardin, Hillyer, Johnson, Jones, Owens, Perrin, Simrall, South, Thompson, Wickliff, Wood and Yancey.

Those who voted in the negative are, Messrs. Given, Southgate, R. Taylor, H. Taylor, Wilson and Worthington.

Resolved, That said bill do pass, and that the title be "an act to incorporate Sanders Manufacturing Company."

Ordered, That Mr. Barry do carry said bill to the house of representatives, and request their concurrence.

A message from the house of representatives, by Mr. Fleming:

Mr. Speaker—The house of representatives have disagreed to a bill from the senate, entitled an act for taking the sense of the people as to the necessity and expediency of calling a convention.

And then he withdrew.

A message from the house of representatives by Mr. Dulaney:

Mr. Speaker—The house of representatives have passed a bill entitled "an act to incorporate the Morganfield Library Company," in which they request the concurrence of the senate.

And then he withdrew.

Ordered, That Messrs. Simrall, Johnson and Eve be added to the committee to whom was referred the petition of the committee of the Fayette hospital.

The resolution from the house of representatives for a recess of the general assembly, was taken up, read, and amended by striking out "Tuesday the 23d inst." The resolution was then, on the motion of Wickliff, laid on the table until the 26th inst.

Mr. Southgate, from the committee to whom was referred a bill to amend the several acts concerning the jurisdiction of magistrates, reported the same with amendments. And then the senate adjourned.

FRIDAY, DECEMBER 19, 1817.

The senate assembled.

Mr. Owens, from the committee appointed for that purpose, reported a bill for the relief of James Swiggett, of Casey county : which was read the first time and ordered to be read a second time.

On the motion of Mr. Eve, leave was given to bring in a bill to amend the law concerning the turnpike and wilderness road.

Ordered, That Messrs. Eve, Hardin, Jones, Welch, Bledsoe, Barry and Faulkner be appointed to prepare and bring in the same.

Mr. Jones moved to reconsider the vote on yesterday to lay the resolution from the house of representatives for a recess of the general assembly on the table until the 26th inst. which being accordingly done, he then moved to fill up the blank with Tuesday the 23d inst. ; which motion being twice read was concurred in.

The question was then taken on adopting the resolution, and it was resolved in the affirmative—Yeas 18, nays 12.

The yeas and nays being required by Messrs. Given and Wood, were as follows, to wit :

Those who voted in the affirmative are, Messrs. Bartlett, Barry, Bledsoe, Bowmar, Bridges, Chambers, Crutcher, Eve, Faulkner, Hardin, Jones, Parks, Perrin, Simrall, Southgate, R. Taylor, H. Taylor and Thompson.

Those who voted in the negative are, Mr. Speaker, and Messrs. Given, Harrison, Hillyer, Johnson, Owens, South, Welch, Wilson, Wood, Worthington and Yancey.

Ordered, That the clerk inform the house of representatives thereof.

Mr. Barry read and laid on the table the following resolution, to wit :

Whereas the interest of the United States requires that a preference should be given to those articles that are the growth and manufacture of our own country, and that we abstain from the use of European commodities, when those of our own country are to be procured on reasonable terms :

Resolved by the senate and house of representatives, That it be recommended to the good people of this commonwealth to use every exertion to promote domestic manufactures ; and the members of the general assembly, in order to effect this object, and bring them into general use, will, as soon as practicable, clothe themselves in productions of American manufacture, and will discourage the use of those of European fabric.

The senate received a message in writing from the lieutenant governor, by Mr. Waggener, containing certain nominations, to wit :

Gentlemen of the Senate,

In the nomination made to you on the 12th inst. Nicholas Ware is stated to be nominated as major of the same regiment as the officer next preceeding him ; which is a mistake. It should have been the 85th regiment.

I now nominate Edward Boone, lieutenant colonel of the 85th regiment, in place of Caleb C. Reed, resigned.

Nicholas Ware, major of the same regiment, in place of Edward Boone, promoted.

Also, James Jackson was nominated as major of the 75th regiment : it should be Jarvis Jackson.

GABL. SLAUGHTER.

Dec. 19, 1817.

The nominations of military officers made on the 13th inst. also those made to-day, were severally taken up and read.

Resolved, That the senate advise and consent to the said nominations, except those of Abraham Creek, lieutenant colonel of the 45th regiment, and Hiram Mellott, colonel of the 1st regiment, which are rejected ; and those of Oliver G. Waggener, adjutant general ; Eli Pitchfield, major of the 64th regiment ; Aaron Hart, colonel of the 60th regiment ; Robert Martin, lieutenant colonel of the same regiment ; Elijah Creals, major of the same regiment ; Thompson Crenshaw, colonel of the 45th regiment ; Samuel Anderson, major of the same ; and Richard Blanton, quartermaster general ; which were laid on the table until the 8th of January : and the nomination of John C. M'Williams, major of the 19th regiment, which was committed to Messrs. Jones, Perrin, Chambers, Barry, Eve and Faulkner.

The nominations of civil officers made on yesterday, were then taken up and read.

Resolved, That the senate advise and consent to the said nominations, except those of John Thompson as agent of the penitentiary, and John Davenport as sheriff of Union coun-

ty. The former was ordered to be laid on the table until the 8th of January, and the latter until to-morrow.

The yeas and nays being required by Messrs. Wickliff and Yancey, on the nomination of Alexander K. Marshall as reporter, were as follows, to wit :

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Bowmar, Bridges, Chambers, Crutcher, Eve, Given, Griffin, Harrison, Hillyer, Owens, Simrall, Southgate, R. Taylor, Welch, Wickliff, Wilson, Wood and Worthington.

Those who voted in the negative, are, Messrs. Bartlett, Barry, Bledsoe, Faulkner, Johnson, Jones, Parks, Perrin, South, H. Taylor and Yancey.

Ordered, That Messrs. Simrall, Parks and Hillyer acquaint the lieutenant governor therewith.

A message from the house of representatives, by Mr. Thompson :

Mr. Speaker—The house of representatives have passed a bill entitled “an act for the benefit of Sarah W. Timberlake and her children,” in which they request the concurrence of the senate.

And then he withdrew.

Mr. Owens, from the committee to whom was referred the bill to continue in force, amend and explain an act for appropriating the vacant lands in this commonwealth, reported the same with amendments, which were severally twice read and concurred in.

Ordered, That the bill as amended be engrossed and read a third time.

An engrossed bill to amend an act to incorporate the Kentucky Insurance Company, was read a third time and the blanks therein filled.

Resolved, That the said bill do pass, and that the title be “an act to amend an act to incorporate the Kentucky Insurance Company.”

Ordered, That Mr. Barry do carry said bill to the house of representatives and request their concurrence.

And then the senate adjourned.

SATURDAY, DECEMBER 20, 1817.

The senate assembled.

Mr. Wickliff, from the committee appointed for that purpose, reported a bill to alter the time of the meeting of the

general assembly ; which was read the first time and ordered to be read a second time.

Mr. Welch, from the joint committee appointed to examine into and report the state of the treasurer's office, made the following report, to wit:

John P. Thomas, treasurer, in account with the state of Kentucky.

DR.

Nov. 10—To cash remaining in the treasury the 10th of Nov. 1816,	57,030 35
Rec'd. of sheriffs since 10th of Nov. 1816,	49,723 31
Of clerks of courts, same time,	8,914 08
Green river settlers, do.	36,332 61
Non-residents' lands,	5,568 47
Vacant land, under the law of 1815,	12,865 60
Tellico land,	646 80
R. Taylor, as sergeant to court of appeals,	4,393 47
Kentucky Insurance Company,	375 00
The Bank of Ky. for tax on individual stock,	4,021 50
Dividend 1st January last,	24,309 12
Do. 1st July,	24,454 11
Adam Beatty, for cash twice drawn,	300 00
M. D. Hardin, late secretary,	9 50
Jesse Bledsoe, do.	70 10
Penitentiary,	11,984 87
Two per cent. advance on stock sold by the Bank of Ky. under the act of last session,	14,150 00
Register, for fees of office,	1,644 10

MISCELLANIES, VIZ.

Wm. Decker, land redeemed,	00 66
Hugh White,	40 00
Thos. T. Worthington,	33 33
John Gilbert, for making salt,	41 20
Jno. Shepherd, land redeemed,	2 64
Gen. J. Simpson, for a fine,	27 00
Jno. Caranthers, land,	4 30
Samuel White,	5 87
Saml. Haddin, land redeemed,	1 30
Jno. Phillips, do.	2 19
Jno. Ribble, do.	00 99
Isaac Steaurt, do.	1 44
Ben. Hughes, do.	00 84
Ephm. Blackburn, do.	1 00
	162 76

\$ 256,955 75

Nov. 10, 1817.
To cash remaining in the treasury this day, \$ 57,439 74

JOURNAL OF

1817.	CONTRA,	Cr.
Nov. 10—By warrants paid from 10th of Nov.		
1816, to this day, inclusive,		126,405 02
For bank stock, do.		69,800 00
On Green river warrants, for land lost,		3,212 44
On militia certificates,		98 55
Cash in the treasury 10th of Nov. 1817,		57,439 74
		<hr/>
		\$256,955 75

The joint committee of the senate and house of representatives have examined the treasurer's office, and compared the vouchers with the entries, and find them correctly entered. A statement herewith reported is the result of our examination.

The committee farther report, that there are two errors in the treasurer's report, which originated with the person who made out the copy transmitted to the house of representatives—one of \$20, in the item under the head of "non-residents' lands;" the other of \$10,000, under the head of "bank stock;" but the complete and final result is the same, and the balance struck correct.

JOSEPH WELCH,	} From the
WM. HARDIN, JR.	
Rd. COCKE,	} From the
WM. P. FLEMING,	
SAML. SOUTH,	
BOAS. ROBERTS,	
	} House of
	} Represent-
	} atives.

On the motion of Mr. Wickliff. leave was given to bring in a bill laying certain banking institutions in this commonwealth under a penalty.

Ordered, That Messrs. Wickliff, Parks, Johnson, Owens, Simrall, Barry, Bridges, Welch and Wood be appointed a committee to prepare and bring in the same.

The bill concerning the jurisdiction of magistrates, with the amendments reported by the committee to whom it was referred, were taken up, severally read and concurred in.

Ordered, That it be committed to a committee of the whole house on the state of the commonwealth for the 5th of January next.

Ordered, That the public printers forthwith print 150 copies thereof for the use of the members of both houses.

Bills from the house of representatives, of the following titles, to wit: An act for the benefit of Francis M'Dermitt; an act for the benefit of Russell Curtis and Barbara Carter; and an act for the purpose of allowing an additional number

of justices of the peace to certain counties in this commonwealth ; were severally read a third time.

Resolved, That the first do pass, and that the clerk inform the house of representatives thereof ; and the two latter were ordered to be laid on the table.

Engrossed bills, to wit : A bill to amend the act concerning alimony ; a bill further to indulge the settlers on the lands acquired by the treaty of Tellico to pay the state price on their claims ; a bill to relinquish the commonwealth's right of escheat to the estate of Ignatius Hottonroth ; and a bill concerning the town of Danville ; were severally read a third time.

Resolved, That the said bills do pass, and that the titles be respectively, "an act to amend the act concerning alimony ;" "an act further to indulge the settlers on the lands acquired by the treaty of Tellico to pay the state price on their claims ;" "an act to relinquish the commonwealth's right of escheat to the estate of Ignatius Hottonroth ;" and "an act concerning the town of Danville."

Ordered, That Mr. Wickliff do carry the third, and the clerk the first, second and fourth to the house of representatives, and request their concurrence.

The following bills were severally read a second time, to wit : A bill to protect slaves from cruel treatment ; a bill for the relief of the late sheriff of Warren county ; a bill for the benefit of Charlotte Greer and the heirs of Moses Greer, deceased ; and a bill for the relief of James Swiggett.

The first was ordered to be laid on the table, and the second and third to be engrossed and read a third time, and the fourth committed to a committee of the whole house on the state of the commonwealth.

Bills from the house of representatives, to wit : an act regulating the town of Prestonsburg, in Floyd county ; an act for the benefit of the securities of Thomas Evans, late sheriff of Floyd county ; an act to amend and extend the law authorising a turnpike on the road leading from the counties of Madison and Rockcastle to the Goose creek salt-works ; an act to incorporate the Morganfield Library Company ; and an act for the benefit of Sarah W. Timberlake and her children ; were severally read the first time and ordered to be read a second time : and the rule being dispensed with, the two latter bills were read a second time and ordered to be read a third time.

A message from the house of representatives, by Mr. Cocke :

Mr. Speaker—The house of representatives have passed bills of the following titles, to wit: An act better to enforce the collection of certain fines; an act to amend an act entitled an act to regulate the town of Scottsville, and for other purposes; an act for the benefit of the widow and heirs of Samuel Lofton, deceased; and an act to establish the town of Commerceville, in the county of Washington; in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives by Mr. Bibb:

Mr. Speaker—The house of representatives have passed a bill entitled an act for the benefit of the keeper of the penitentiary; in which they request the concurrence of the senate.

And then he withdrew.

The bill was taken up and read the first time, and ordered to be read a second time; and the rule being dispensed with, it was read a second time and ordered to be read a third time.

A message from the house of representatives by Mr. J. Hunter:

Mr. Speaker—The house of representatives have passed a bill entitled "an act authorising the publication of advertisements in the Kentucky Herald, at Louisville; in which they request the concurrence of the senate.

And then he withdrew.

The nomination of John Davenport as sheriff of Union county, was taken up and read.

Resolved, That the senate advise and consent thereto.

Ordered, That Messrs. Hillyer, R. Taylor and Thompson acquaint the lieutenant governor therewith.

Mr. Chambers moved that when the senate adjourn to-day, they will adjourn until Wednesday next; and the question being taken thereon, it was resolved in the affirmative—Yeas 16, nays 10.

The yeas and nays being required by Messrs. Given and Wood, were as follows, to wit:

Those who voted in the affirmative are, Messrs. Barry, Bledsoe, Bowmar, Bridges, Chambers, Eve, Faulkner, Jones, Mason, Perrin, Simrall, R. Taylor, H. Taylor, Thompson, Welch and Yancey.

Those who voted in the negative are, Mr. Speaker, and Messrs. Given, Harrison, Hillyer, Johnson, Owens, South, Southgate, Wilson, Wood and Worthington.

And then the senate adjourned.

MONDAY, DECEMBER 29, 1847.

The senate assembled.

Leave was given to bring in the following bills, to wit :

On the motion of Mr. Eve—A bill for the benefit of Andrew Craig.

On the motion of Mr. Given—A bill for the benefit of Alexander Armstrong.

And on the motion of Mr. Harrison—A bill for the benefit of the citizens of Lebanon, in Washington county.

Ordered, That Messrs. Eve, Wood and Wickliff prepare and bring in the first ; Messrs. Given, Bridges and Wickliff the second ; and Messrs. Harrison, Wickliff and Hillyer the third.

Mr. Harrison, from the latter committee, reported a bill, which was read the first time and ordered to be read a second time.

On the motion of Mr. Mason, leave is given him to record his vote on the question taken the 18th inst. for a second reading of the bill from the house of representatives entitled "an act to amend the act regulating elections : " whereupon he voted in the negative.

Bills from the house of representatives of the following titles, to wit : 1. An act to incorporate the Morganfield Library Company ; 2. an act for the benefit of Sarah W. Timberlake and her children ; 3. an act to amend and extend the law authorising a turnpike on the road leading from the counties of Madison and Rockcastle to the Goose creek salt works ; 4. an act regulating the town of Prestonsburg, in Floyd county ; 5. an act for the benefit of the securities of Thomas Evans, late sheriff of Floyd county ; 6. an act better to enforce the collection of certain fines ; 7. an act to amend an act entitled an act to regulate the town of Scottsville and for other purposes ; 8. an act for the benefit of the widow and heirs of Samuel Loffton, deceased ; 9. an act authorising the publication of advertisements in the Kentucky Herald, at Louisville ; and 10. an act to establish the town of Commerceville, in the county of Washington ; were severally read, the two first a third time, the third, fourth and fifth a second time, and the others the first time.

The rule was then dispensed with, the third and fourth read a third time, the ninth a second and third time, and the tenth a second time.

Resolved, That the first, second, third, fourth and ninth do pass, and that the clerk inform the house of representatives thereof.

The fifth was ordered to be read a third time, the sixth, seventh and eighth a second time, and the tenth committed to Messrs. Southgate, Wickliff and Harrison.

Engrossed bills, to wit : A bill for the benefit of Charlotte Greer and the heirs of Moses Greer, deceased ; a bill to continue in force an act for appropriating the vacant lands in this commonwealth ; and a bill for the relief of the late sheriff of Warren county ; were severally read a third time, and the blanks in the second filled.

Resolved, That the two former bills do pass, and that the titles be, respectively, "an act for the benefit of Charlotte Greer and the heirs of Moses Greer, deceased," and "an act to continue in force an act for appropriating the vacant lands in this commonwealth."

Ordered, That Mr. Given do carry said bills to the house of representatives and request their concurrence.

The latter bill was ordered to be laid on the table.

A bill to alter the time of meeting of the general assembly was read a second time and ordered to be engrossed and read a third time.

And then the senate adjourned.

TUESDAY, DECEMBER 30, 1817.

The senate assembled.

Leave was given to bring in the following bills, to wit :

On the motion of Mr. Wood—A bill to provide for the distribution of the acts of congress in this commonwealth.

On the motion of Mr. Welch—A bill to amend the act entitled an act to regulate taverns and restrain tippling houses.

On the motion of Mr. Bledsoe—A bill more effectually to provide for the recovery of certain claims against the county courts of this commonwealth.

And on the motion of Mr. Bridges—A bill to amend an act entitled an act to amend the law of proceedings in civil cases.

Ordered, That Messrs. Woods, Chambers, Perrin and Welch prepare and bring in the first ; Messrs. Welch, Bridges, Griffin and Faulkner, the second ; Messrs. Bledsoe, Thompson, Hillyer, Bridges and Welch, the third ; and Messrs. Bridges, Southgate, Hillyer, Thompson and Wickliff, the fourth.

Bills from the house of representatives of the following titles, to wit : An act for the benefit of the securities of Tho-

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mas Evans, late sheriff of Floyd county; an act better to enforce the collection of certain fines; an act for the benefit of the widow and heirs of Samuel Loffton, deceased; and an act for the benefit of the keeper of the penitentiary.

The three former were severally read, the first a third time and the second and third a second time.

The first was ordered to be laid on the table, the second committed to a committee of the whole house on the state of the commonwealth, and the third ordered to be read a third time.

The latter bill was amended and read a third time; and the question being taken on the passage thereof as amended, it was resolved in the affirmative—Yeas 14, nays 11.

The yeas and nays being required by Messrs. Faulkner and Wood, were as follows, to wit:

Those who voted in the affirmative are, Mr. Speaker, and Messrs. Bledsoe, Bowmar, Bridges, Chambers, Eve, Hillyer, Mason, Simrall, Southgate, R. Taylor, H. Taylor, Thompson and Welch.

Those who voted in the negative are, Messrs. Faulkner, Given, Griffin, Harrison, Jones, Perrin, South, Wickliff, Wilson, Wood and Yancey.

Resolved, That the said bill as amended do pass.

Ordered, That Mr. Bledsoe inform the house of representatives thereof, and request their concurrence in said amendment.

An engrossed bill to alter the time of meeting of the general assembly, was read a third time and the blanks therein filled. The question was taken on the passage thereof, and it was resolved in the affirmative—Yeas 22, nays 2.

The yeas and nays being required by Messrs. Yancey and Wood, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Bledsoe, Bridges, Chambers, Eve, Faulkner, Given, Griffin, Harrison, Hillyer, Mason, Perrin, Simrall, South, Southgate, H. Taylor, Thompson, Wickliff, Wilson, Wood, Worthington and Yancey.

Those who voted in the negative, are, Messrs. R. Taylor and Welch.

Resolved, That the said bill do pass, and that the title be "an act to alter the time of meeting of the general assembly."

Ordered, That Mr. Wickliff do carry said bill to the house of representatives and request their concurrence.

Mr. Southgate, from the select committee to whom was referred a bill from the house of representatives entitled "an

act to establish the town of Commerceville, in the county of Washington," reported the same with amendments, which being severally twice read were concurred in. The bill being further amended at the clerk's table, and read a third time as amended, the rule was then dispensed with and said bill read a third time.

Resolved, That the said bill as amended do pass, and that the title be amended to read "an act establishing the town of Fredericksburg, in Washington county, and the town of Petersburg, in Boone county."

Ordered, That Mr. Harrison inform the house of representatives thereof, and request their concurrence in said amendments.

A bill for the benefit of the citizens of Lebanon, in Washington county, was read a second time and ordered to be engrossed and read a third time.

The rule was then dispensed with, the same having been engrossed, and it was read a third time.

Resolved, That the said bill do pass, and that the title be "an act for the benefit of the citizens of Lebanon, in Washington county."

Ordered, That the clerk do carry said bill to the house of representatives and request their concurrence.

Mr. Wood read and laid on the table the following resolution, to wit:

Resolved by the general assembly of the commonwealth of Kentucky, That they will on the day of January next proceed to the election of a treasurer and public printer, also a president and directors to the bank of Kentucky on the part of the commonwealth.

The senate then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Simrall in the chair; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Simrall reported progress.

The following bills were reported from the committees appointed to prepare and bring in the same, to wit:

By Mr. Given—A bill for the benefit of Alexander Armstrong.

And by Mr. Wickliff—A bill to authorise the county courts of Nelson and Shelby to build a permanent bridge across Salt river.

Which were severally read the first time, and the rule being dispensed with they were severally read a second time: the former was committed to Messrs. Yancey, Given and

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Griffin, and the latter ordered to be engrossed and read a third time.

A message from the house of representatives, by Mr. J. T. Johnson :

Mr. Speaker—The house of representatives concur in the amendment proposed by the senate to a bill from that house entitled “an act to authorise the county court of Washington to permit the building a mill upon the Beech fork of Salt river.” They have passed a bill from the senate entitled “an act to regulate the sitting of certain county courts in this commonwealth ;” and they have passed a bill entitled “an act authorising certain lotteries,” in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives, by Mr. Clark :

Mr. Speaker—The house of representatives have passed a bill entitled “an act to amend an act establishing a town in the forks of Licking, approved December 10, 1793,” in which they request the concurrence of the senate.

And then he withdrew.

The said bills were severally taken up and read the first time and ordered to be read a second time.

And then the senate adjourned.

WEDNESDAY, DECEMBER 31, 1817.

The senate assembled.

Mr. Southgate presented the petition of sundry citizens of Bourbon, Harrison, Pendleton and Campbell counties, praying that a law may pass authorising and requiring a way to be viewed and a road opened from Newport through Falmouth, to intersect the present state road at Cynthiana, on the south fork of Licking.

Mr. Given presented the petition of William Birdsong, colonel, and William Dobbins, judge advocate of the 84th regiment, representing that the said Dobbins was prevented by absence from putting the list of delinquents of said regiment for the year 1816, into the sheriff's hands ; and praying that a law may pass giving further time to list and collect the same.

Mr. Chambers presented the petition of sundry citizens of Maysville, representing that the fund authorised to be levied for the use of said town is inadequate for public purposes,

and praying that a law may pass authorising an additional sum of one thousand dollars to be levied.

Which were severally read, and referred, the first to the committee of propositions and grievances, the second to Messrs. Given, Worthington and Mason, and the third to Messrs. Chambers, R. Taylor and Eve; who have leave to report by bill or otherwise.

Ordered, That Mr. South be added to the committee appointed yesterday to prepare and bring in a bill to amend an act entitled an act to amend the law of proceedings in civil cases.

Bills from the house of representatives, to wit: An act for the benefit of the widow and heirs of Samuel Loffton, deceased; an act to amend an act establishing a town in the forks of Licking, approved December 10, 1793; and an act authorising certain lotteries; were severally read, the first a third time, the second and third a second time.

The rule was dispensed with, and the second was read a third time.

Resolved, That the first and second bills do pass.

Ordered, That the clerk inform the house of representatives thereof.

The third was committed to Messrs. H. Taylor, Harrison, Wickliff and Bledsoe.

An engrossed bill to authorise the county courts of Nelson and Shelby to build a permanent bridge across Salt river, was read a third time.

Resolved, That the said bill do pass, and that the title be "an act to authorise the county courts of Nelson and Shelby to build a permanent bridge across Salt river."

Ordered, That the clerk do carry said bill to the house of representatives and request their concurrence.

On the motion of Mr. Bledsoe, leave was given to bring in a bill to subject the lands of non residents to the payment of their debts in certain cases.

Ordered, That Messrs. Bledsoe, Southgate, Simrall, Jones, South and Hillyer prepare and bring in the same.

Mr. Wickliff, from the committee appointed for that purpose, reported a bill laying certain banking institutions in this commonwealth under a penalty; which was read the first time—the rule was dispensed with, it was read a second time and committed to a committee of the whole house on the state of the commonwealth for the 6th of January next.

The senate received a message in writing from the lieutenant governor, by Mr. Waggener, containing certain military nominations, to wit:

Gentlemen of the Senate.

Having received information, since my nominations to you on the 13th inst. that Thompson Cranshaw, colonel, Abraham Creek, lieutenant colonel, and Samuel Anderson, major of the 45th regiment, had resigned their commissions; I therefore beg leave to withdraw the nominations of those gentlemen, and to nominate for your advice and consent James Forbes colonel, Samuel Anderson lieutenant colonel, and James G. Hix major of the said regiment.

GABL. SLAUGHTER.

Dec. 31, 1817.

The said nominations were taken up and severally read.

Resolved. That the senate advise and consent thereto.

Ordered. That Messrs. Yancey, Chambers and Wickliff acquaint the lieutenant governor therewith.

And then the senate adjourned.

THURSDAY, JANUARY 1, 1818.

The senate assembled.

Mr. Simrall presented the petition of sundry citizens of Shelby county, praying that an election precinct may be established in said county, within the boundary therein proposed.

Mr. Owens presented the petition of sundry citizens of Green county, praying the melioration of slavery in this state.

Which were severally read; the first was referred to the committee of propositions and grievances, and the latter ordered to be laid on the table.

Mr. Yancey, from the committee to whom was referred a bill for the benefit of Alexander Armstrong, reported the same with an amendment, which was twice read and concurred in.

Ordered, That the bill with the amendment be engrossed and read a third time.

A message from the house of representatives, by Mr. Lackey:

Mr. Speaker—The house of representatives have passed a bill entitled "an act adding part of Montgomery county to Floyd county;" in which they request the concurrence of the senate.

And then he withdrew.

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A message from the house of representatives, by Mr. Clark :

Mr. Speaker—The house of representatives have passed a bill from the senate entitled “an act for the benefit of James Foster.” And they have passed bills of the following titles : An act to erect an election precinct in the county of Union ; and an act further to regulate the town of Williamsville, in Jefferson county ; in which they request the concurrence of the senate.

And then he withdrew.

The said bills were severally taken up and read the first time, and the rule being dispensed with, the second and third were read a second time. The first was ordered to be read a second time, and the second committed to the committee of propositions and grievancees. The third bill was then read the third time.

Resolved, That the third bill do pass.

Ordered, That the clerk inform the house of representatives thereof.

Leave was given to bring in the following bills :

On the motion of Mr. Perrin—A bill authorising the county court of Harrison to lay an additional levy.

On the motion of Mr. Owens—A bill to prevent clerks of courts from practising as attorneys or counsel within their counties ; and a bill for the benefit of Peter Simmerman, Andrew Erwin and Matthew Huling.

Ordered, That Messrs. Perrin, Jones and Given prepare and bring in the first ; Messrs. Owens, Simrall, Welch and Bledsoe, the second ; and Messrs. Owens, Wood and Simrall, the third.

Mr. Perrin, from the first committee, reported a bill, which was read the first time and ordered to be read a second time.

The senate then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Bowmar in the chair ; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Bowmar reported, that the committee had taken into consideration a bill from the house of representatives entitled “an act better to enforce the collection of certain fines ; a bill for the relief of James Swiggett, of Casey county ; a bill to amend the several acts authorising changes of venue ; and a bill to amend and repeal the acts concerning billiard tables ; and had gone through the same

with amendments to the two latter, which he handed in at the clerk's table, where the same were severally twice read and concurred in with amendments.

The first bill was read a third time.

Resolved, That the said bill do pass, and that the clerk inform the house of representatives thereof.

The second and third were ordered to be engrossed as amended and read a third time, and the fourth was ordered to be laid on the table.

Mr. Bowmar, from the committee to whom was referred a bill more effectually to provide for the payment into the public treasury of this commonwealth the fines and forfeitures payable thereto; and Mr. H. Taylor, from the committee to whom was referred a bill from the house of representatives entitled an act authorising certain lotteries; severally reported the same with amendments, which were twice read and concurred in with amendments.

The former was ordered to be engrossed as amended and read a third time; and the latter being read a third time as amended, and the question being taken on the passage thereof as amended, it was resolved in the affirmative—Yeas 18, nays 9.

The yeas and nays being required by Messrs. Perrin and Wood, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Barry, Bledsoe, Bowmar, Bridges, Chambers, Eve, Given, Hillyer, Jones, Owens, Simrall, South, R. Taylor, H. Taylor, Thompson, Wickliff and Wilson.

Those who voted in the negative, are, Messrs. Faulkner, Griffin, Mason, Perrin, Southgate, Welch, Wood, Worthington and Yancey.

Resolved, That the said bill do pass as amended.

Ordered, That the clerk inform the house of representatives thereof, and request their concurrence in said amendments.

Mr. Chambers, from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, to wit: An act for the benefit of the widow and heirs of Samuel Loffton, deceased; and an act to amend an act establishing a town in the forks of Licking, approved December 10th 1793; and had found the same truly enrolled.

A message from the house of representatives, by Mr. Todd:

Mr. Speaker—The speaker of the house of representatives having signed sundry enrolled bills, I am directed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

The speaker then signed the said bills, being those reported to-day by Mr. Chambers, and they were delivered to the joint committee of enrolments, to be presented to the lieutenant governor for his approbation. And after a short time Mr. Chambers reported that the committee had performed that duty.

Mr. Bledsoe read and laid on the table the following resolutions, to wit :

Resolved by the senate and house of representatives of the commonwealth of Kentucky, That the secretary of state shall annually hereafter, previous to every meeting of the legislature, provide a sufficient quantity of parchment for the purpose of enrolling the bills which may be passed by the same. And upon the account being produced, certified by the governor of this commonwealth, of the amount due for the purchase of such parchment, the auditor of public accounts shall issue his warrant to the treasurer therefor.

Resolved, That a joint committee of _____ members from the senate and _____ members from the house of representatives, be appointed to examine into and report the state of the secretary's office.

Resolved, That a joint committee of _____ members from the senate and _____ members from the house of representatives, be appointed to examine into and report the state of the adjutant general's office.

Mr. Owens presented the petition of sundry citizens of Wayne county, praying that a law may pass authorising some person to open a turnpike road from Wayne courthouse to the Tennessee line ; which was read and referred to the committee of propositions and grievances.

Ordered, That Mr. Given be added to the committee for enrolled bills.

Bills from the house of representatives, to wit : An act for the benefit of Russell Curtis and Barbara Carter ; and an act for the benefit of the securities of Thomas Evans, late sheriff of Floyd county ; were severally taken up, and the latter amended at the clerk's table.

Resolved, That said bills do pass.

Ordered, That the clerk inform the house of representatives thereof and request their concurrence in said amendment.

And then the senate adjourned.

FRIDAY, JANUARY 2, 1818.

The senate assembled.

Mr. Wilson presented the petition of sundry citizens of Christian and Muhlenberg counties, praying that a law may pass to remove some obstructions in Pond river.

Mr. Johnson presented the petition of the proprietors of the lots in the town of Suffolk, in Butler county, representing that all the trustees formerly appointed for said town, except one, are either dead or have removed, and praying the legislature to pass a law appointing other trustees.

Mr. Bowmar presented the petition of Caty and Rosa Bennett, stating that they are the natural children of Thomas Bennett, deceased, and that he died intestate without heirs, possessed of 190 acres of land in Jessamine county, praying that a law may pass vesting in them the commonwealth's right of escheat to said land.

Which were severally read and referred, the first to the committee of propositions and grievances, the second to Messrs. Johnson, Southgate and Perrin, and the third to the committee for courts of justice.

Mr. Simrall, from the committee of propositions and grievances, made the following report, to wit:

The committee of propositions and grievances have according to order had under consideration sundry petitions to them referred, and have come to the following resolutions thereupon, to wit:

Resolved, That the petition of sundry citizens of Shelby county, praying that an election precinct may be established in said county, within the boundary therein proposed, *is reasonable*.

Resolved, That the petition of sundry citizens of Wayne county, praying that a law may pass authorising some person to open a turnpike road from Wayne court-house to the Tennessee line, *is reasonable*.

Which being twice read, was concurred in.

Ordered, That the committee of propositions and grievances prepare and bring in bills pursuant to the said report.

The following bills were reported from the committees appointed to prepare and bring in the same, to wit:

By Mr. Given—A bill for the relief of the sheriff of Caldwell county.

By Mr. Chambers—A bill to authorise the trustees of Maysville, in Mason county, to increase their tax.

And by Mr. Bledsoe—A bill to subject the lands of non-residents to the payment of their debts in certain cases.

Which were severally read the first time.

The rule was dispensed with, the two former were read a second time and ordered to be engrossed and read a third time. The latter bill was ordered to be read a second time.

A message from the house of representatives by Mr. John Porter :

Mr. Speaker—The house of representatives have passed a bill entitled “an act to authorise the sale of part of the public ground in Morgantown; in which they request the concurrence of the senate.

And then he withdrew.

The said bill was taken up and read the first time. The rule of the senate was then dispensed with and the bill read a second time and ordered to be read a third time.

The bill to amend and repeal the several acts concerning billiard tables, was taken up, and Mr. Jones moved to strike out the words “eleventh day of March,” wherever they occur in the bill, being the time when the billiard tables are to be destroyed; and the question being taken on said proposition, it was resolved in the negative—Yeas 10, nays 19.

The yeas and nays being required by Messrs. Yancey and H. Taylor, were as follows, to wit :

Those who voted in the affirmative, are, Messrs. Crutcher, Eve, Griffin, Johnson, Jones, Owens, Perrin, Thompson, Welch and Wickliff.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Barry, Bledsoe, Bowmar, Bridges, Chambers, Faulkner, Given, Harrison, Hillyer, Mason, Simrall, South, Southgate, H. Taylor, Wilson, Wood, Worthington and Yancey.

Ordered, That the bill be engrossed and read a third time.

A bill from the house of representatives entitled “an act adding part of Montgomery county to Floyd county,” was read a second time, and the rule of the senate being dispensed with it was read a third time.

Resolved, That the said bill do pass, and that the clerk inform the house of representatives thereof.

A bill authorising the county court of Harrison to lay an additional levy, was read a second time and ordered to be engrossed and read a third time.

The rule was then dispensed with; the same having been engrossed, was read a third time; and the following engrossed bills were also severally read a third time, and the blanks

in the latter filled, to wit: A bill for the relief of James Swiggett, of Casey county; a bill for the benefit of Alexander Armstrong; a bill to amend the several acts authorising changes of venue; and a bill more effectually to provide for the payment into the public treasury of this commonwealth the fines and forfeitures payable thereto.

Resolved, That the said bills do pass, and that the titles be, respectively, "an act authorising the county court of Harrison to lay an additional levy;" "an act for the relief of James Swiggett, of Casey county;" "an act for the benefit of Alexander Armstrong and Augustine Clayton;" "an act to amend the several acts authorising changes of venue;" and "and an act more effectually to provide for the payment into the public treasury of this commonwealth the fines and forfeitures payable thereto."

Ordered, That Mr. Owens do carry the second, and the clerk the first, third, fourth and fifth to the house of representatives, and request their concurrence.

The bill from the house of representatives entitled "an act for the benefit of Peter Wood," with the amendment reported by the committee to whom it was referred, was taken up, read and concurred in.

Mr. Simrall, from the committee to whom was referred a bill from the house of representatives entitled "an act to erect an election precinct in the county of Union," reported the same with amendments, which being severally twice read were concurred in.

The bill was then read a third time as amended.

Resolved, That the said bills as amended do pass, and that the titles be amended respectively to read "an act for the benefit of Peter Wood and Nancy Crews," and "an act to erect election precincts in the counties of Union and Shelby, and to change the place of holding the election in the northern precinct in Christian county."

Ordered, That the clerk inform the house of representatives thereof, and request their concurrence in said amendments.

Mr. Owens, from the committee to whom was referred a bill from the house of representatives entitled "an act for the benefit of Martha Snodgrass," reported the same with an amendment, which being twice read was concurred in.

Ordered, That the said bill be committed to Messrs. Wickliff, Simrall, Faulkner, Owens, Johnson, H. Taylor and Jones.

The resolution authorising the secretary of state to procure parchment for enrolled bills, was taken up, read and ordered to be laid on the table.

The resolutions for appointing joint committees to examine and report the state of the secretary's and adjutant general's offices, were taken up, severally read and the first blank in each filled with the word "two," and the second with the word "four;" which were severally twice read and adopted.

Ordered, That the clerk do carry said resolutions to the house of representatives and request their concurrence.

And then the senate adjourned.

SATURDAY, JANUARY 3, 1818.

The senate assembled.

Mr. Worthington presented the memorial of Willis Morgan, of Muhlenburg county, (counter to the petitions presented on yesterday from the counties of Christian and Muhlenburg, praying the removal of some obstructions in Pond river) praying that the further consideration of the subject may be postponed until the next session, when it may be heard upon its merits and counter petitions procured.

Mr. Barry presented the petition of James Young, junior, of Clark county, representing that he is the owner of a tract of land in said county, containing from 30 to 50 acres; that a certain Joseph Kelly owns all the land around his tract, and has fenced in the same, and refuses to let him have egress and ingress to his land; praying the legislature to take the subject into consideration, and either to pass some special law for his relief or make some general explanation or amendment of the existing laws.

Mr. Bridges presented the petition of Jonathan Bonnel, representing that Thomas Dean, his father-in-law, died, having previously devised to Thomas Bonnel, his infant son, $\frac{47}{2}$ 1-2 acres of land in Mercer county, and that a sale thereof would conduce to the interest of the said infant; praying the legislature to pass a law authorising a sale of said land, through the means of commissioners, and the proceeds to be vested in other land for the use of said infant.

Which were severally read and referred, the two former to the committee of propositions and grievances, and the latter to Messrs. Bridges, Barry and Jones, who have leave to report by bill or otherwise.

The nomination of John C. M'Williams, as major of the 19th regiment, was taken up ; and Mr. Jones, from the committee on the said nomination, made the following report, to wit :

The committee to whom was referred the nomination of John C. M'Williams, major in the 19th regiment K. M. have examined the certificates and other documents relating to the manner in which the said M'Williams obtained the appointment of major pro tem. Notwithstanding his residence appears to have been out of the bounds of the company which he had commanded as captain, at the time he received his commission as major, the two first recommendations of the brigadier general were previous to his removal. It is therefore deemed not to be sufficient grounds to reject his nomination. And without detracting any thing from the merits of captain Alexander Barnet, who claimed the appointment as his right, being the oldest captain in said regiment, your committee offer the following resolution, to wit :

Resolved, That the nomination of John C. M'Williams, as major of the 2d battalion in the 19th regiment K. M. ought to be approved.

Which being read, was agreed to.

Resolved, That the senate do advise and consent to the nomination.

Ordered, That Messrs Jones, Barry and Yancey, acquaint the lieutenant governor therewith.

Mr. Barry, from the committee to whom was referred the memorial of the committee of the Fayette Hospital, made the following report, to wit :

THE committee to whom was referred the memorial of the contributors to the Fayette Hospital, have, according to order, had the same under consideration, and report :

THAT in the year 1816 the contributors to the Fayette Hospital were incorporated ; that they have purchased ten acres of land in the immediate vicinity of Lexington. The scite chosen for the hospital is elevated, including a delightful spring that affords an abundant supply of water throughout the year ; the situation is open, and possesses every advantage for the enjoyment of fresh and salubrious air. A building of brick has been commenced upon a plan sufficiently extensive, and well adapted in its construction and arrangement, calculated for the reception of about one hundred and thirty lunatics and other diseased persons, in a style of architecture, that, with a prudent regard to economy,

combines convenience and utility united with elegance that will be highly ornamental. To complete this building on the plan that has been projected, and furnish it with every article necessary for a hospital, including the necessary household furniture, medicine, surgical apparatus, &c. ready for the reception and accommodation of the number of patients above stated, will cost in all about the sum of \$40,000.—The funds already provided by the contributors to the Fayette Hospital, amount to about \$8,000, consisting of the land on which the building is erected and money due them, part of which has been received and the balance well secured. They have advanced considerably towards the completion of the centre building of the hospital; all of which thus far has been effected by individual efforts and contributions.—The contributors of the Fayette Hospital were indulged with pleasing hopes of aid from the county of Fayette, under the provisions of a law passed at the last session of the legislature; but in this they have been disappointed. It is believed that a principal cause that induced the county court to withhold their aid, arose from the institution's embracing in its views a general accommodation of the lunatics and other diseased persons throughout the state of Kentucky. The contributors of the Fayette Hospital, finding the undertaking to be too great for individual efforts to accomplish, unaided by public patronage; and believing the objects they have in view sufficiently interesting to the community, to engage the attention of the legislature; offer to yield up to the state all the property they have acquired, with the debts due them, on condition that the seat of the institution be permanently fixed where it now is, and that the building be finished upon the plan projected, subject to such improvements and modifications as may be found necessary.

Your committee, after the most careful examination of this subject, are satisfied that it would be to the interest of the state to accede to this proposal.

It appears from the auditor's books that one hundred and twenty of the citizens of this state labor under various kinds of mental derangement, who are supported at public expence, requiring an annual appropriation of the sum of \$ 6258 68, besides many cases where the individuals having wealthy connections, are not thus brought into public view. In many instances, it is believed, with proper attention and suitable regimen, these unfortunate beings might be restored to reason. This can only be effected in a well arranged institution adapted to such cases.

The establishment of a hospital for the reception and accommodation of lunatics, and other diseased and distempered persons, is a measure dictated by a just regard to economy, and demanded by every principle of justice and humanity. It can scarcely be necessary to expatiate on the public good that would result from it. Its benefits must be obvious to every benevolent and reflecting mind. There is no institution of this kind in the western country. The numerous charities of private individuals, so highly honorable to the citizens of our state, are wholly inadequate: so numerous are the objects which solicit the aid of the benevolent; so various are the accidents of life, and so diversified the forms of human misery in a populous state, that an institution of this kind is considered indispensable in the great system of public charity. They become more necessary in large towns, from a variety of causes. Adventurers and persons from distant countries usually resort to them; they receive most of the emigrants from other states, driven from home by their poverty or misfortune, and often impelled to seek in a distant land a more secure enjoyment of their rights, or a more advantageous exercise of their various trades and professions. Whilst numbers are thus attracted, the business of such places must give rise to frequent accidents and diseases, for which many who are destitute of friends or relations can find no cure or relief but in a public hospital.

The local situation of Lexington, promises many public advantages. In the heart of a rich and flourishing part of the state, central as it regards the other parts of the western country, it is admirably adapted for the establishment of a medical college. These advantages have already been perceived and improved by the spirited exertions of medical gentlemen eminently distinguished for their genius and acquirements. The progress already made in the establishment and improvement of a medical school at that place, bids fair to place it at no distant day on an equality with those in our eastern cities. This school is attached to the Transylvania University, an institution of the first importance recommended to our notice by the executive; and which, although heretofore depressed and clouded, has recently received a new impulse, which, under legislative auspices and control, promises a more brilliant course. To this medical school the hospital is a powerful and almost indispensable auxiliary: it will afford the best opportunity for the improvement of students in the practice of medicine and surgery. The importance of this medical school must be seen at once. The ex-

ample of those in other states affords the best illustration. Five hundred young gentlemen are said to have attended the college at Philadelphia last winter ; their expences are estimated at about \$ 500 each, making an aggregate of \$ 250,000 added to the circulating medium of that place in four months. A great portion of this was carried from the western country; much of it from Kentucky. This evil will be remedied by encouraging and supporting a medical school in our own state. It will save us thousands of dollars ; and what is more important, it will afford the means of information to poor young men who are unable to go abroad for the completion of their studies. Should this school flourish, as it is fondly hoped it will, we may expect to see students of medicine repairing to it from the neighboring states and territories. With the advance of science, the character of our state will be elevated and its fame extended. These reflections should awaken the statesman's pride, and prompt him to a course calculated at once to promote the interest, whilst it advances the reputation of his country.

Founded as this hospital will be, and supported on principles of general benevolence, all persons, without distinction, whose maladies render them fit objects of such a charity, will be considered as entitled to its benefits. It will afford to the benevolent, whom Providence has blessed with the means, an opportunity of bestowing their wealth for the alleviation of the real and unaffected misery of the poor, with an assurance that whilst performing the great duties of christianity, and indulging in the exercise of the best feelings of the human heart, their charity will not be abused or their bounty misapplied.

Which was read and ordered to be laid on the table.

Mr. Barry, from the same committee, also reported a bill to establish the Kentucky Hospital.

Which was read the first time.

The rule was dispensed with ; the bill read a second time, and committed to a committee of the whole house on the state of the commonwealth.

Ordered, That the public printers forthwith print 150 copies of the said bill and the report of the committee, for the use of the members of the legislature.

The following bills were reported from the several committees appointed to prepare and bring in the same, to wit :

By Mr. Owens—A bill for the benefit of Peter Simmerman, Andrew Erwin and Matthew Huling.

By Mr. Bridges—A bill for the benefit of Thomas Bonnel.

By Mr. Barry—A bill to incorporate the Fayette and Madison Turnpike Company.

By Mr. Owens—A bill to prevent clerks from practising as attorneys or counsel within their counties.

By Mr. Southgate—A bill concerning executors and administrators.

And by Mr. Bledsoe—A bill concerning the erection of poor houses in the several counties in this commonwealth.

Which were severally read the first time.

The rule was dispensed with, and the three latter bills were severally read a second time and committed to a committee of the whole house on the state of the commonwealth.

The first and second were ordered to be read a second time, and the third was ordered to be engrossed and read a third time.

A message from the house of representatives by Mr. Roberts :

Mr. Speaker—The house of representatives have passed a bill entitled “an act to legalise the proceedings of the county court of Logan at their December term 1817 ;” in which they request the concurrence of the senate.

And then he withdrew.

The said bill was taken up and read the first time and ordered to be read a second time.

The resolution authorising the secretary of state to procure parchment for enrolled bills, was taken up and adopted.

Ordered, That the clerk acquaint the house of representatives therewith and request their concurrence.

A bill from the house of representatives entitled “an act to authorise the sale of part of the public ground in Morgantown,” was read a third time and ordered to be laid on the table.

Engrossed bills, to wit : A bill to authorise the trustees of Maysville, in Mason county, to increase their tax ; a bill to amend and repeal the several acts concerning billiard tables ; and a bill for the relief of the sheriff of Caldwell county ; were severally read a third time.

Resolved, That the two former bills do pass, and that the titles be, respectively, “an act to authorise the trustees of Maysville, in Mason county, to increase their tax,” and “an act to amend and repeal the several acts concerning billiard tables.”

Ordered, That the clerk do carry said bills to the house of representatives and request their concurrence.

The latter bill was committed to Messrs. Owens, Simrall, Mason and Givens.

A bill to subject the lands of non-residents to the payment of their debts in certain cases, was read a second time and committed to a committee of the whole house on the state of the commonwealth.

An engrossed bill for the relief of the late sheriff of Warren, and a bill allowing further time to survey seminary lands in this commonwealth, were severally taken up, the former having been read a third time; the latter was engrossed and ordered to be read a third time.

Resolved, That the former bill do pass, and that the title be "an act for the relief of the late sheriff of Warren."

Ordered, That Mr. Johnson do carry said bill to the house of representatives and request their concurrence.

A bill from the house of representatives entitled "an act to amend an act entitled an act to regulate the town of Scottville, and for other purposes," was taken up and read a second time. The rule was dispensed with and the bill read a third time.

Resolved, That the said bill do pass, and that Mr. Johnson inform the house of representatives thereof.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. H. Taylor—A bill more effectually to prevent the destruction or removal of corner trees, stones or posts which are of record in this commonwealth.

And on the motion of Mr. Southgate—A bill concerning certain trespasses on land.

Ordered, That Messrs. H. Taylor, Bridges, Chambers and Yancey be appointed to prepare and bring in the former, and Messrs. Southgate, Bridges, Bledsoe and Harrison the latter.

And after some time, Mr. Southgate, from the latter committee, reported a bill, which was read the first time.

The rule was dispensed with, it was read a second time and committed to a committee of the whole house on the state of the commonwealth.

And then the senate adjourned.

MONDAY, JANUARY 5, 1813.

The senate assembled.

A message from the house of representatives, by Mr. Bibb:

Mr. Speaker—The house of representatives concur in an amendment proposed by the senate to a bill from that house entitled “an act for the benefit of the keeper of the penitentiary.”

And then he withdrew.

Mr. Chambers, from the joint committee of enrolments, reported that the committee had examined an enrolled bill of the preceding title; and had found the same truly enrolled.

A message from the house of representatives, by *Mr. Todd*:

Mr. Speaker—The speaker of the house of representatives having signed an enrolled bill, I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

The speaker then signed the bill, being the same reported to-day by *Mr. Chambers*, and it was delivered to the joint committee of enrolments, to be presented to the lieutenant governor for his approbation. And after a short time *Mr. Chambers*, from said committee, reported that they had performed that duty.

The following bills were reported from the respective committees appointed to prepare and bring in the same, to wit:

By *Mr. Wood*—A bill to provide for the distribution of the acts of congress in this commonwealth.

And by *Mr. Owens*—A bill concerning jailers’ fees.

Mr. Hillyer, from the committee to whom was referred so much of the lieutenant governor’s message as relates to the improvement of roads, reported a bill to provide for the repairing the roads by county levies.

Which were severally read the first time. The rule being dispensed with, the two former bills were read a second time and ordered to be engrossed and read a third time. The latter bill was ordered to be read a second time.

Mr. Hillyer moved for leave to bring in a bill to establish a new judicial district, and for other purposes; and the question being taken on granting the leave, it was resolved in the negative—Yeas 13, nays 13.

The yeas and nays being required by Messrs. Owens and Jones, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Barry, Bledsoe, Bridges, Chambers, Hillyer, Johnson, Mason, Southgate, R. Taylor, H. Taylor, Thompson, Welch and Worthington.

Those who voted in the negative, are, Mr. Speaker. and Messrs. Crutcher, Faulkner, Griffin, Harrison, Jones, Owens, Perrin, South, Wickliff, Wilson, Wood, and Yancey.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Owens—A bill providing for a change of venue in the case of Newett Pennington and William M'Donald.

And on the motion of Mr. Johnson—A bill further to regulate the judicial districts of this commonwealth.

Ordered, That Messrs. Owens, Faulkner, South, R. Taylor and Wood be appointed to prepare and bring in the former, and Messrs. Johnson, Hillyer, Wickliff, Crutcher, Owens, Barry and Worthington the latter.

The senate received a message in writing from the lieutenant governor, by Mr. Waggener, containing certain military nominations, to wit:

Gentlemen of the Senate,

Since the nominations of the officers of the 60th regiment, I have received notice of the resignation of colonel Aaron Hart, the commandant thereof: I therefore beg leave to withdraw the nominations, and to nominate for your approbation Robert Martin colonel, Elijah Creal lieutenant colonel, and Arthur M'Gaughy major of the said regiment.

GABL. SLAUGHTER.

January 5, 1818.

Which were read and laid on the table until to-morrow.
And then the senate adjourned.

TUESDAY, JANUARY 6, 1818.

The senate assembled.

Mr. Mason presented the petition of sundry citizens of Estill county, praying that an election precinct may be erected in the upper end of said county.

Mr. Perrin presented the petition of sundry citizens of Harrison and Pendleton counties, praying the legislature to incorporate a company with banking powers, vesting them with authority to open the south fork of Licking river.

Which were severally read and referred, the former to Messrs. Mason, Jones, Bledsoe and Welch, and the latter to Messrs. Perrin, Bledsoe, Harrison, Hillyer, Wickliff and Barry, who have leave to report by bill or otherwise.

Mr. Wickliff, from the committee to whom was referred a bill from the house of representatives entitled "an act for

the benefit of Martha Snodgrass;" and Mr. Owens, from the committee to whom was referred a bill for the relief of the sheriff of Caldwell county, severally reported the same with amendments, which were twice read and concurred in.

The former was ordered to be laid on the table, and the latter was re-engrossed and read again.

Resolved, That the same do pass, and that the title be "an act for the relief of the sheriffs of Caldwell and Adair counties."

Ordered, That Mr. Owens do carry said bill to the house of representatives, and request their concurrence.

The resolution fixing a day for the election of treasurer and public printer, also a president and directors to the bank of Kentucky on the part of the state, was taken up and the blank filled with the words "Tuesday the 13th instant;" and being twice read was adopted.

Ordered, That the clerk acquaint the house of representatives therewith and request their concurrence.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Welch—A bill for the relief of Nezara Sumner.

On the motion of Mr. Simrall—A bill to amend the act incorporating the Lexington and Louisville Turnpike Road Company, and to establish other companies in lieu thereof.

On the motion of Mr. South—A bill to open a road leading from Mount Sterling, passing by Prestonsburg, in Floyd county, to the Virginia line.

On the motion of Mr. Barry—A bill concerning the Lexington, Georgetown and Danville Libraries.

And on the motion of Mr. Bridges—A bill subjecting equitable interest in land to sale for the payment of debts.

Ordered, That Messrs. Welch, Simrall and H. Taylor be appointed to prepare and bring in the first; Messrs. Simrall, Welch, Barry, R. Taylor and Bowmar, the second; Messrs. South, Mason and Barry, the third; Messrs. Barry, Bridges, Southgate and Thompson, the fourth; and Messrs. Bridges, Barry, Southgate, Owens and R. Taylor, the fifth.

And after a short time, Mr. Barry from the fourth committee, and Mr. Bridges from the fifth, severally reported bills, which were read the first time.

The rule being dispensed with, they were severally read a second time. The former was ordered to be engrossed and read a third time, and the latter was committed to a committee of the whole house on the state of the commonwealth.

Ordered, That the public printers forthwith print 150 copies of the latter bill for the use of the members of the legislature.

Mr. Owens, from the committee appointed for that purpose, reported a bill providing for a change of venue in the case of Newett Pennington and William M'Donald; which was read the first time and ordered to be read a second time.

A bill from the house of representatives entitled "an act for the purpose of allowing an additional number of justices of the peace to certain counties in this commonwealth," was taken up and amended at the clerk's table.

Resolved, That the said bill as amended do pass.

Ordered, That the clerk inform the house of representatives thereof, and request their concurrence in said amendment.

Mr. Bledsoe read and laid on the table the following resolutions, to wit:

Resolved by the general assembly of the commonwealth of Kentucky, That the people of this state view with the most lively emotion, the patriotic struggles of their South American republican brethren, to throw off and break in pieces the yoke of Spanish despotism; to take their stand amongst the nations of the earth; and to vindicate the exercise of those rights of self-government, which the God of Nature has given to man, as his unalienable birthright.

That while this legislature and the people whom they represent, fully appreciate the blessings of peace, flowing from the observance of a just neutrality, as to the conflicts between other powers; they are nevertheless fully sensible of the immense importance to the United States, of the establishment of the independence of the South American colonies, as respects the probable commercial and political relations between the two portions of the same great continent.

That neither interest nor duty on the part of the United States, as respects old Spain, exists to induce them to take one single step towards favoring that power, or strengthening the rod of oppression, which there is reason to hope her colonies are about wresting from her hands forever.

That it is in our opinion wise policy, as well as justice, for the government of the United States to acknowledge the independence of such of the former Spanish colonies of South America, as shall have shown, or shall show themselves capable of vindicating and maintaining the rights of self-government.

That the strictest regard to neutrality between the parties, neither requires, nor authorises, the arrest or detention of foreign men, vessels or munitions of war, passing through our country or touching at our ports, destined to assist either party.

That if the general government of the United States is prepared to take a side in this contest, the many unredressed wrongs, and the outrageous insults of old Spain to this government, together with the strong claims of suffering humanity upon our sympathy, leave no room to doubt which side the free people of the only republic upon earth are prepared to take.

Resolved, That copies of the foregoing resolutions be transmitted to the President of the United States, and to each of our senators and representatives in congress, to be submitted to that body.

Ordered, That the public printers forthwith print 150 copies of said resolution for the use of the members of the legislature.

A message from the house of representatives, by Mr. Reeves :

Mr. Speaker—The house of representatives have passed a bill from the senate entitled “an act to continue in force an act for appropriating the vacant lands in this commonwealth.”

And then he withdrew.

A bill from the house of representatives entitled “an act to legalise the proceedings of the county court of Logan at their December term 1817,” was read a second time and ordered to be read a third time.

A bill for the benefit of Peter Simmerman, Andrew Erwin and Matthew Huling ; a bill to provide for the repairing roads by county levies ; and a bill for the benefit of Thomas Bonnel ; were severally read a second time, and the two former committed to a committee of the whole house on the state of the commonwealth. The latter was ordered to be engrossed and read a third time.

Engrossed bills, to wit : A bill allowing further time to survey seminary lands in this commonwealth ; a bill to incorporate the Fayette and Madison Turnpike Company ; a bill to provide for the distribution of the acts of congress in this commonwealth ; and a bill concerning jailers’ fees ; were severally read a third time, and the blanks in the latter filled.

Resolved, That the first and fourth do pass, and that the titles be, respectively, “an act allowing further time to survey

seminary lands in this commonwealth," and "an act concerning jailers' fees."

Ordered, That Mr. Owens do carry said bills to the house of representatives and request their concurrence.

The second was committed to Messrs. Barry, Johnson and Yancey, and the third to a committee of the whole house on the state of the commonwealth.

Mr. Johnson, from the joint committee appointed to examine and report upon the state of the register's office, made the following report, to wit:

THE joint committee appointed by both branches of the legislature to examine the situation of the Register's office, have performed the duty assigned them, and beg leave to report:

THAT they find the grants which issued on surveys transmitted from Virginia, recorded in sixteen volumes, with a good alphabet. The surveys transmitted from Virginia tied up in 272 bundles neatly, with new labels and an alphabet, recorded in eleven volumes, with a complete alphabet, all new and in good order. The record of military warrants in two volumes, with alphabets, new and in good order. A list of treasury warrants in two volumes, the record of pre-emption warrants, and a volume of warrants under the proclamation of 1763; the two latter have alphabets, and all in good order. Two volumes of commissioners' certificates, granted in 1779 and 1780, lately transcribed, with alphabets, all new and in good order. The committee find the original record book of surveys from Lincoln county, lodged in the Register's office, not bound, nor in a situation to be bound. The sale books of non residents' land for the years 1800, 1, 2 and 4 have a general alphabet entirely new and in good order; the books are somewhat worn but do not require transcribing. The books in which the sales of 1805, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 are recorded, we find with alphabets in good order. Two volumes in which surveys have been registered since 1792, in good order. The surveys are in 138 bundles, with new labels, nearly tied up; the record of those surveys compose fourteen volumes, to which, your committee are informed, an alphabet will soon be completed; the bundles of surveys are alphabetized and in good order. The grants issued on treasury warrant surveys since 1792 are recorded in eighteen volumes, to which there is an alphabet much worn; a new one in a state of forwardness, your committee are informed, will soon be finished. The surveys upon head-right claims are registered

in three volumes, with two alphabets in good order, except interlineations occasioned by transfers. The head right plats and certificates filed in 277 bundles, newly labelled and neatly tied up, recorded in fourteen volumes; to those an alphabet is also commenced. Grants issued thereon recorded in 23 volumes, with an alphabet, all in good order. Land warrants issued under the act of 1800, by this state, the surveys and grants on the same, as also the Tellico surveys and grants, we find in two volumes, with alphabets in good order, and one volume in which those surveys have been registered in like order. The originals neatly tied up in bundles, with new labels. One volume of surveys under the proclamation of 1763, with a new alphabet, both in good order. Two volumes of commissioners' books of 1796, and three of 1798 in good order; one of which is neatly transcribed. Anderson's and Croghan's books of entries in good order, with alphabets. The transcript of Lincoln entries, in conformity to an act of last session, has been procured by the register in very complete order, with an excellent alphabet on an improved plan. May's entries transcribed in five volumes in good order; to which are two alphabets on an improved plan, new and in good order. One volume of Green's deputy register of surveys, made previous to 1792, we find in tolerable order. One volume of relinquishments in good order. A list of Kentucky land warrants in one volume, under an act of 1814, and a record of the same in two volumes. Grants issued thereon recorded in three volumes; surveys thereon recorded in one volume, and originals neatly tied up in 38 bundles, registered in one volume, with an alphabet, all in good order. Three volumes in which caveats have been recorded, in good order. One volume of commissioner's certificates granted in 1780, &c. with an alphabet in good order.

Your committee in discharging the duty assigned them, are sensibly impressed with the importance it is to the public interest that the record of surveys, patents, and all other evidence of land titles, should be made out in a fair and durable hand, and that all the books and papers of the office should be kept with system and regularity. That the extensive, important and increasing business of the Register's office (which is now kept up at great expence and loss by the Register on his own private account) requires the constant employ of about four good clerks, who are men of business and industry, and by habit and an acquaintance with the

laws in relation to the business of that office, have become competent to the discharge of its duties.

From the information your committee possess on this subject, they are of opinion that the fees arising from the business of the Register's office are not more than sufficient to employ the competent number of qualified clerks; and will be a fund more or less productive, according to the quantity of business that may be required to be done in the office.—Your committee would therefore beg leave to recommend the passage of a law authorising the Register to apply the money arising from the fees of his office in employing a competent number of clerks well qualified to discharge the duties of the office.

Which was ordered to be laid on the table.

The military nominations made on yesterday were taken up and read.

Resolved, That the senate do advise and consent thereto.

Ordered, That Messrs. Crutcher, Worthington and Faulkner acquaint the lieutenant governor therewith.

On the motion of Mr. Barry,

Ordered, That the following be adopted as one of the standing rules of the senate, to wit:

Resolved, That the sergeant-at-arms or door-keeper of the senate, at the request of any member, be authorised to invite any person into the senate chamber.

Mr. H. Taylor read and laid on the table the following resolution, to wit:

Resolved, That it is the opinion of the senate that it will be beneficial to the good citizens of this commonwealth, that a certain portion of the vacant land of this state be appropriated for the benefit of the poor, supported by the respective counties in this commonwealth, in such proportion as shall be just and equitable.

And then the senate adjourned.

WEDNESDAY, JANUARY 7, 1813.

The senate assembled.

Mr. Faulkner, from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, to wit: An act to regulate the sitting of certain county courts in this commonwealth; an act for the benefit of James Foster; an act to alter the time of holding the county courts of Ohio and Daviess, and to legalise their

proceedings in certain cases, and for other purposes ; and an act to continue in force an act for appropriating the vacant lands in this commonwealth ; and found the same truly enrolled.

Mr. Owens, from the committee appointed for that purpose, reported a bill to amend the act to suppress riots, routs and unlawful assemblies of the people.

Which was read the first time ; and the rule being dispensed with, it was read a second time and committed to a committee of the whole house on the state of the commonwealth.

The senate then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Bowmar in the chair ; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Bowmar reported, that the committee had according to order had under consideration a bill concerning the jurisdiction of magistrates, and had made some progress therein, but not having time to go through the same, had instructed him to ask leave to sit again.

The senate received a message in writing from the lieutenant governor, by Mr. Waggener, containing certain nominations, to wit :

Gentlemen of the Senate,

I nominate for your advice and consent—Marshall Key, colonel of the 15th regiment, in place of Joseph Logan, resigned.

Jonathan Grant, lieutenant colonel of the same regiment, in place of Marshall Key, if promoted.

John Mannan, jun. major of the same regiment, in place of Jonathan Grant, if promoted.

John Kinkead, attorney for the commonwealth in the 12th judicial district, in place of John Green, resigned.

Robert George, keeper of the turnpike gate on the turnpike and wilderness road.

GABL. SLAUGHTER.

January 7, 1818.

The said nominations were taken up and severally read.

Resolved, That the senate advise and consent to the nominations of John Kinkead, as attorney for the commonwealth in the 12th judicial district, and Robert George, keeper of the turnpike gate.

Ordered, That Messrs. Owens, Simrall, Perrin and Welch acquaint the lieutenant governor therewith.

Ordered, That the nomination of Marshall Key, colonel of the 15th regiment, be committed to Messrs. Chambers,

Bridges, Eve, Simrall, R. Taylor, Jones, Barry and Faulkner.

The speaker laid before the senate a letter from the President of the Bank of Kentucky, which was read as follows, to wit:

BANK OF KENTUCKY, 7th January 1818.

SIR—I take the liberty of communicating to you, for the information of the senate, that the following gentlemen have been elected by the stockholders of the Bank of Kentucky as directors of that institution on their part for the present year, viz. Martin D. Hardin, John Brown, Alexander J. Mitchell, Daniel Weisiger, John Pope and Nathaniel Hart.

I am, respectfully,

Sir, your most obedient servant,

ROBT. ALEXANDER, *Pres't*.

The Speaker of the Senate.

And then the senate adjourned.

THURSDAY, JANUARY 8, 1818.

The senate assembled.

A message from the house of representatives, by Mr. Jewell:

Mr. Speaker—The house of representatives have passed a bill entitled “an act for the benefit of Elizabeth Griffin, and for other purposes;” in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives, by Mr. Hobson:

Mr. Speaker—The house of representatives have passed a bill entitled “an act for the relief of a part of the militia of the 72d regiment of this commonwealth;” in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives, by Mr. Patton:

Mr. Speaker—The house of representatives have passed a bill entitled “an act for the benefit of James Rumsey;” in which they request the concurrence of the senate.

And then he withdrew.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Johnson—A bill better to regulate the penitentiary.

On the motion of Mr. Owens—A bill to alter the time of holding the court of appeals in the 93d regiment of Kentucky militia.

On the motion of Mr. Given—A bill to establish an election precinct in the town of Eddyville, in the county of Caldwell.

On the motion of Mr. South—A bill concerning writs of *ad quod damnum*.

On the motion of Mr. Barry—A bill to incorporate the Lexington and Georgetown Turnpike Company.

And on the motion of Mr. Perrin—A bill altering the times of holding the circuit courts of Harrison and Nicholas counties.

Ordered, That Messrs. Johnson, Owens, Southgate, Bledsoe and Barry be appointed to prepare and bring in the first; Messrs. Owens, Chambers and Harrison, the second; Messrs. Given, Worthington and H. Taylor, the third; Messrs. South, Johnson, Wilson and Yancey, the fourth; Messrs. Barry, Bledsoe and Thompson, the fifth; and Messrs. Perrin, Thompson and Bowmar, the sixth.

And after a short time, Mr. Owens, from the second committee, reported a bill; which was read the first time as follows, to wit:

Be it enacted by the general assembly of the commonwealth of Kentucky, That the court of appeals of the 93d regiment of Kentucky militia, shall hereafter be holden on the Tuesday after the first Monday in May in every year.

And the question being taken on a second reading thereof, it was resolved in the negative—Yeas 10, nays 16.

The yeas and nays being required by Messrs. Owens and Griffin, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Bowmar, Griffin, Johnson, Jones, Owens, Southgate, R. Taylor, H. Taylor and Welch.

Those who voted in the negative, are, Messrs. Barry, Bledsoe, Bridges, Crutcher, Eve, Faulkner, Hillyer, Perrin, Simrall, South, Thompson, Wickliff, Wilson, Wood, Worthington and Yancey.

Mr. Perrin, from the sixth committee, also reported a bill; which was read the first time and ordered to be read a second time.

The following bills were reported from the several committees appointed to prepare and bring in the same, to wit:

By Mr. Welch—A bill for the benefit of Nezra Sumner; also a bill to amend the act entitled an act to regulate ta-

verns and restrain tippling houses, approved 19th December 1793.

And by Mr. Chambers—A bill providing for the establishment of a bank at Limestone, in Mason county.

Which were severally read the first time. The rule being dispensed with, the two latter bills were read a second time and committed to a committee of the whole house on the state of the commonwealth. The former was ordered to be read a second time.

A message from the house of representatives, by Mr. Underwood :

Mr. Speaker—The house of representatives concur in the amendments proposed by the senate to bills entitled “an act for the benefit of Peter Wood,” and “an act authorising certain lotteries,” with amendments to the latter, in which they request the concurrence of the senate.

And then he withdrew.

The amendments were then taken up, severally read and concurred in with amendments.

Ordered, That the clerk inform the house of representatives thereof, and request their concurrence in said amendments.

A message from the house of representatives, by Mr. Knight :

Mr. Speaker—The house of representatives concur in the amendments proposed by the senate to a bill entitled “an act to erect an election precinct in the county of Union.”

And then he withdrew.

A message from the house of representatives, by Mr. Cocke :

Mr. Speaker—The house of representatives concur in the amendment proposed by the senate to a bill entitled “an act to establish the town of Commerceville, in Washington county.”

And then he withdrew.

Mr. Bridges presented the petition of the trustees of Harrodsburg, representing that about thirty years ago some of the lots were sold by the trustees for inconsiderable sums, which have not been paid ; that many of the purchasers have not been heard of for twenty or thirty years ; that no writings have passed from the trustees for the lots so sold, and they lie unimproved, which operates to the injury of the town ; and praying that a law may be passed authorising the trustees to re-sell such unimproved lots, and apply the proceeds to the use of the town : also that considerable sums

of money which have been paid to the former clerk of the board may be paid over to the said trustees.

Which was read and referred to Messrs. Bridges, Southgate, Wickliff, Barry, Owens, Hillyer and Bledsoe; who have leave to report by bill or otherwise.

A message from the house of representatives, by Mr. Parsons:

Mr. Speaker—The house of representatives have passed a bill entitled “an act for the division of Knox county;” in which they request the concurrence of the senate.

And then he withdrew.

The said bill was taken up and read the first time; the rule being dispensed with it was read a second time and committed to Messrs. Eve, Griffin, Southgate and Owens.

Mr. Barry, from the committee to whom was referred the bill to incorporate the Fayette and Madison Turnpike Company, reported the same with amendments, which being severally read were concurred in.

Ordered, That the same be re-engrossed and read again.

And then the senate adjourned.

FRIDAY, JANUARY 9, 1818.

The senate assembled.

Mr. Chambers presented the petition of the trustees of the Franklin academy, in Mason county, praying that a law may be passed authorising them to sell the land belonging to the institution; which was read and referred to Messrs. Chambers, Southgate and Griffin, who have leave to report by bill or otherwise.

Mr. H. Taylor, from the committee for courts of justice, made the following report, to wit:

The committee for courts of justice have according to order had under consideration the petition of Rosa and Caty Bennett, stating that they are the natural children of Thomas Bennett, deceased, and that he died intestate without heirs possessed of 190 acres of land in Jessamine county, and praying that a law may pass vesting in them the commonwealth's right of escheat to said land, and have come to the following resolution thereupon, to wit:

Resolved, That the said petition is reasonable.

Which being twice read was concurred in.

Ordered, That the committee prepare and bring in a bill pursuant to said resolution.

A message from the house of representatives, by Mr. Reid :

Mr. Speaker—The house of representatives have passed bills of the following titles, to wit : An act for the benefit of Henry Berry ; an act to authorise the county court of Lewis to lay an additional levy ; an act authorising certain justices of the county courts to award injunctions, writs of *ne exeat*, and *habeas corpus* ; and an act authorising the clerks of the court of appeals, general court and county courts to receive acknowledgment or proof of powers of attorney ; in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives, by Mr. Robinson :

Mr. Speaker—The house of representatives have passed a bill entitled “ an act to amend an act to amend and reduce into one the several acts respecting the militia.”

And then he withdrew.

A message from the house of representatives, by Mr. Lackey :

Mr. Speaker—The house of representatives have passed a bill entitled “ an act regulating the fees of jailers in this commonwealth ;” and they concur in the amendment proposed by the senate to a bill entitled “ an act for the benefit of the securities of Thomas Evans, late sheriff of Floyd county,” with an amendment : in which bill and amendment they request the concurrence of the senate.

And then he withdrew.

A bill from the house of representatives entitled “ an act for the benefit of Martha Snodgrass,” with the amendments thereto, was taken up and further amended.

Resolved, That the said bill as amended do pass, and that the title be amended to read “ an act for the benefit of Martha Snodgrass and others.”

Ordered, That Mr. Owens inform the house of representatives thereof, and request their concurrence in said amendments.

A message from the house of representatives, by Mr. Todd :

Mr. Speaker—The speaker of the house of representatives having signed sundry enrolled bills, I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

The speaker then signed the bills, being the same reported by Mr. Faulkner the day before yesterday, and they were

delivered to the joint committee of enrolments, to be presented to the lieutenant governor for his approbation. And after a short time Mr. Yancey, from said committee, reported that they had performed that duty.

A message from the house of representatives, by Mr. Joseph Porter :

Mr. Speaker—The house of representatives have passed a bill entitled “an act to add additional trustees to the Somerset academy, and for other purposes ;” in which they request the concurrence of the senate.

And then he withdrew.

The senate received official information from the lieutenant governor, by Mr. secretary Pope, that he did on to-day approve and sign enrolled bills which originated in the senate, of the following titles : An act to continue in force an act for appropriating the vacant lands in this commonwealth ; an act to regulate the sitting of certain county courts in this commonwealth ; an act for the benefit of James Foster ; an act to alter the time of holding the county courts of Ohio and Daviess, and to legalise their proceedings in certain cases, and for other purposes.

Ordered, That the clerk inform the house of representatives thereof.

The senate then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Chambers in the chair ; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Chambers reported, that the committee had according to order had under consideration a bill concerning the jurisdiction of magistrates, and had gone through the same, with amendments, which he handed in at the clerk’s table, where the same were severally twice read and concurred in.

Mr. Jones moved to attach to the bill the following as an additional section, to wit :

Be it further enacted, That so much of any law as allows fees to justices of the peace in cases under five pounds, shall be and the same is hereby repealed.

Mr. Wood moved to strike out the words “ five pounds,” and insert in lieu thereof the words “ twentyfive shillings.”

And the question being taken on the proposed amendment to the amendment, it was resolved in the negative—Yeas 12, nays 17.

The yeas and nays being required by Messrs. Wood and Crutcher, were as follows, to wit :

Those who voted in the affirmative are, Mr. Speaker, and Messrs. Bowmar, Crutcher, Faulkner, Griffin, Harrison, Mason, South, H. Taylor, Welch, Wilson and Wood.

Those who voted in the negative are, Messrs. Barry, Bledsoe, Bridges, Chambers, Eve, Given, Hillyer, Johnson, Jones, Owens, Simrall, Southgate, R. Taylor, Thompson, Wickliff, Worthington and Yancey.

The question was then taken on agreeing to the amendment proposed by Mr. Jones. It was resolved in the negative—Yeas 8, nays 21.

The yeas and nays being required by Messrs. Jones and Johnson, were as follows, to wit :

Those who voted in the affirmative, are, Messrs. Faulkner, Griffin, Johnson, Jones, South, H. Taylor, Wilson and Wood.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Bowmar, Barry, Bledsoe, Bridges, Chambers, Crutcher, Eve, Given, Harrison, Hillyer, Mason, Owens, Simrall, Southgate, R. Taylor, Thompson, Welch, Wickliff, Worthington and Yancey.

Mr. Johnson moved to strike out the first section of the bill, except the enacting clause ; and Messrs. Owens and Griffin gave notice that they would call for the yeas and nays on the motion.

Ordered, That the bill be laid on the table.

The nomination of Marshall Key, as colonel of the 15th regiment, was taken up ; and

Mr. Chambers, from the committee to whom the nomination was referred, made the following report, to wit :

The select committee to whom was referred the nomination of Marshall Key, as colonel of the 15th regiment of Kentucky militia, have had the same under their consideration, with sundry documents, depositions, &c. and have come to the following report, to wit :

Your committee, after examining the papers to them referred, and sundry witnesses which appeared before them, state, that the objections made to the promotion and confirmation of the nomination of the said Marshall Key, were owing to an opinion that the said Key did not hold any commission in the line as an officer, on the ground that the company of infantry of the line which the said Key was commissioned as captain of, had been dissolved by the field officers of the 15th regiment, for the purpose of permitting the men therein to join a light infantry company : which proceeding, your committee are of opinion, was not warranted

by the laws then in force, which prohibited the raising any light company, or the men from any company of the line to join any light company, so as to reduce such company of the line below the number required by law ; but if such company of the line should be so reduced, to be incorporated with the adjoining companies whilst such disability exists. Your committee are therefore of opinion that the act of the field officers of said regiment, 1st, in permitting a light company to be raised, by which any company of the line was reduced below the number required by law, was improper, and a power which they did not possess ; and 2dly, the act of the field officers in dissolving the said company, was not authorised by law, they having only the power to incorporate them with the adjoining companies, during a time that a sufficient number should not reside within its bounds to bring the total of said company up to the number required by law. Which incorporation, your committee are of opinion, did not, nor could it dissolve the commissions of the officers in command thereof. They therefore feel bound to recognize the said Marshall Key as the senior officer of said regiment ; and it appearing to your committee that his qualifications for command are equal to that of his competitors, they therefore recommend the adoption of the following resolution :

Resolved, That the nomination of Marshall Key, as colonel of the 15th regiment, ought to be approved.

Which being twice read was agreed to.

And the nominations of Jonathan Grant, lieutenant colonel of the 15th regiment, and John Mannan, jun. major of the same regiment, were also taken up and read.

Resolved, That the senate do advise and consent thereto.

Ordered, That Messrs. Chambers, Welch and Crutcher acquaint the lieutenant governor therewith.

The following bills were reported from the respective committees appointed to prepare and bring in the same, to wit :

By Mr. Mason—A bill to establish an election precinct in Estill county.

And by Mr. H. Taylor—A bill to amend an act entitled an act for the benefit of Caty and Rosa Bennett, approved January 28, 1817.

Which were severally read the first time and ordered to be read a second time.

An engrossed bill to incorporate the Fayette and Madison Turnpike Company, being re-engrossed, was read again.

Resolved, That the said bill do pass, and that the title be "an act to incorporate the Fayette and Madison Turnpike Company."

Ordered, That Mr. Barry do carry said bill to the house of representatives and request their concurrence.

Mr. Southgate, from the committee to whom was referred a bill from the house of representatives entitled "an act for the division of Knox county," reported the same with an amendment, which being read was concurred in.

The bill was read a third time with the amendment.

Resolved, That it do pass as amended, and that the clerk inform the house of representatives thereof and request their concurrence in said amendment.

And then the senate adjourned.

SATURDAY, JANUARY 10, 1818.

The senate assembled.

The following bills were reported from the respective committees appointed to prepare and bring in the same, to wit:

By Mr. South—A bill concerning writs of *ad quod damnum*.

By Mr. Johnson—A bill for classing tobacco.

And by Mr. Chambers—A bill authorising the trustees of the Franklin academy to sell their lands.

Which were severally read the first time. The first was ordered to be read a second time.

The rule being dispensed with, the second and third were read a second time; and the second committed to a committee of the whole house on the state of the commonwealth, and the third to Messrs. Chambers, Crutcher and Simrall.

And after a short time, Mr. Chambers, from the latter committee, reported a bill in lieu of the original, which being twice read was concurred in with amendments.

Ordered, That the bill as amended be re-committed to Messrs. Harrison, Jones, Chambers, Bridges, Southgate and Bledsoe.

Mr. Owens read and laid on the table the following resolution, to wit:

Resolved by the senate and house of representatives, That three members from the senate and six from the house of representatives, be appointed to confer with printers and receive proposals for the public printing for the present year.

The rule being dispensed with, the said resolution was taken up, twice read and adopted.

Ordered, That Mr. Owens acquaint the house of representatives therewith and request their concurrence.

On the motion of Mr. Eve, leave was given to bring in a bill for the benefit of David Prewitt.

Ordered, That Messrs. Eve, Bridges and Jones prepare and bring in the same.

A message from the house of representatives, by Mr. Cyrus Walker :

Mr. Speaker—The house of representatives have passed a bill from the senate entitled “an act for the relief of the sheriffs of Caldwell and Adair counties.”

And then he withdrew.

A bill to protect slaves from cruel treatment, was taken up and committed to a committee of the whole house on the state of the commonwealth.

The amendment proposed by the house of representatives to those proposed by the senate to a bill from the house of representatives entitled “an act for the benefit of the securities of Thomas Evans, late sheriff of Floyd county,” was taken up, twice read and concurred in.

Ordered, That the clerk inform the house of representatives thereof.

Engrossed bills, to wit : A bill concerning the Lexington, Georgetown and Danville Library Companies, and a bill for the benefit of Thomas Bonnel, were severally read a third time.

Resolved, That the former bill do pass, and that the title be “an act concerning the Lexington, Georgetown and Danville Library Companies.”

Ordered, That the clerk do carry said bill to the house of representatives and request their concurrence.

The latter was committed to Messrs. Mason, Jones and Chambers.

A bill providing for a change of venue in the case of Newett Pennington and William M'Donald ; a bill to erect an election precinct in Estill county ; a bill to amend an act entitled an act for the benefit of Caty and Rosa Bennett, approved January 28, 1817 ; a bill for the benefit of Nezra Sumner ; and a bill altering the times of holding the circuit courts of Harrison and Nicholas counties ; were severally read a second time.

The first was committed to Messrs. Bowmar, Barry, Owens, Bledsoe, Southgate, Welch and Simrall.

The four latter were ordered to be engrossed and read a third time.

A bill from the house of representatives entitled "an act to legalise the proceedings of the county court of Logan at their December term 1817," was read a third time and ordered to be laid on the table.

A message from the house of representatives, by Mr. Parsons :

Mr. Speaker—The house of representatives concur in the amendment proposed by the senate to a bill entitled "an act for the division of Knox county."

And then he withdrew.

A message from the house of representatives, by Mr. Fleming :

Mr. Speaker—The house of representatives concur in a resolution from the senate for appointing a joint committee to confer with printers, and have appointed a committee on their part.

And then he withdrew.

And Messrs. Owens, Jones and Harrison were then appointed a committee on the part of the senate pursuant to said resolution.

Bills from the house of representatives, to wit : An act for the relief of a part of the militia of the 72d regiment of this commonwealth ; an act for the benefit of Elizabeth Griffin, and for other purposes ; an act authorising the clerks of the court of appeals, general court and county courts to receive acknowledgment or proof of powers of attorney ; an act to amend an act to amend and reduce into one the several acts respecting the militia ; an act authorising certain justices of the county courts to award injunctions, writs of *ne exeat* and *habeas corpus* ; an act regulating the fees of jailers in this commonwealth ; an act for the relief of Henry Berry ; an act to add additional trustees to the Somerset academy, and for other purposes ; an act for the benefit of James Rumsey ; and an act to authorise the county court of Lewis to lay an additional levy ; were severally read the first time.

The rule being dispensed with, the four latter bills were read a second time, and the three latter a third time.

Resolved, That the three latter bills do pass, and that Mr. Griffin do inform the house of representatives as to the first, and the clerk the second and third.

The six former were ordered to be read a second time, and the seventh a third time.

A message from the house of representatives, by Mr. Underwood :

Mr. Speaker—The house of representatives concur in the amendments offered by the senate in concurring in those proposed by the house of representatives to those proposed by the senate to a bill entitled “an act authorising certain lotteries ;” and they have adopted the following resolution, to wit :

IN THE HOUSE OF REPRESENTATIVES, Jan. 10, 1818.

Whereas there is a tract of country, considerable in extent, lying within the limits of this state and surrounded by the Tennessee, Ohio and Mississippi rivers, and the Tennessee state line, to which the Indian title has not yet been extinguished ; and which, if owned by this state, would greatly conduce to its prosperity : therefore,

Resolved by the general assembly of the commonwealth of Kentucky, That our senators and representatives in congress be requested to use their exertions to procure the extinguishment of the Indian title to all lands in this commonwealth.

Resolved, That the executive of this state be, and he is hereby requested to transmit to each of our senators and representatives in congress a copy of the foregoing preamble and resolution.

Extract, &c.—Att.

R. S. TODD, C. H. R.

In which they request the concurrence of the senate.

And then he withdrew.

The resolution was taken up, read and ordered to be laid on the table.

Mr. Crutcher read and laid on the table the following resolution, to wit :

Resolved by the senate and the house of representatives of the commonwealth of Kentucky, That when they adjourn on Saturday the 31st inst. they will adjourn *sine die*.

The nominations of Oliver G. Waggener as adjutant general, and Richard Blanton quartermaster general, were taken up and read.

Resolved, That the senate do advise and consent thereto.

Ordered, That Messrs. Owens, Crutcher and Perrin acquaint the lieutenant governor therewith.

And then the senate adjourned.

MONDAY, JANUARY 12, 1818.

The senate assembled.

The door-keeper of the senate being absent in consequence of bad health,

On the motion of Mr. R. Taylor,

Ordered, That Noel K. Johnson, his son, be appointed assistant door-keeper, and that he give his attendance accordingly.

A message from the house of representatives, by Mr. Todd :

Mr. Speaker—The house of representatives have passed a bill entitled “an act to amend the act for the better regulation of the town of South Frankfort ;” in which they request the concurrence of the senate.

And then he withdrew.

Leave was given to bring in the following bills, to wit :

On the motion of Mr. Johnson—A bill to remove the seat of government from the town of Frankfort.

On the motion of Mr. Harrison—A bill to authorise the governor to let out the public arms.

And on the motion of Mr. Southgate—A bill to amend the act entitled an act to establish the town of Newport.

Ordered, That Messrs. Johnson, Owens, Harrison, Barry and Crutcher be appointed to prepare and bring in the first; Messrs. Harrison, Wickliff, Yancey and Chambers, the second; and Messrs. Southgate, Owens and Chambers, the third.

And after a short time, Mr. Southgate, from the latter committee, reported a bill ; which was read the first time.

The rule being dispensed with, it was read a second time and ordered to be engrossed and read a third time.

On the motion of Mr. Jones,

Ordered, That the committee of the whole house on the state of the commonwealth be discharged from a farther consideration of a bill to amend the act to suppress riots, routs and unlawful assemblies of the people.

The bill was then taken up, amended, and ordered, with the amendment, to be engrossed and read a third time.

The senate then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Mason in the chair; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Mason reported, that the committee had according to order had under consideration the following bills,

to wit: A bill to subject the lands of non-residents to the payment of their debts in certain cases; a bill concerning executors and administrators; a bill to prevent clerks from practising as attorneys or counsel within their counties; a bill to establish the Kentucky Hospital; a bill concerning the erection of poor-houses in the several counties in this commonwealth; a bill concerning certain trespasses on lands; and had gone through the same with amendments to the latter; and had adopted the following resolution:

Resolved, That the bill to protect slaves from cruel treatment, ought not to pass.

Which he handed in at the clerk's table, where the same were severally twice read, and the amendments concurred in.

The first was re-committed to Messrs. Southgate, Bledsoe and Worthington; and the five succeeding bills were ordered to be engrossed and read a third time.

On motion,

Ordered, That the resolution and bill to which it relates be re-committed to Messrs. Owens, Southgate, Johnson and Bridges.

Mr. Jones, from the select committee to whom was referred a bill authorising the trustees of the Franklin and Hardin academies to sell their lands, reported the same with an amendment in lieu thereof; which being twice read was concurred in.

Ordered, That the bill as amended be engrossed and read a third time.

The following bills were reported from the respective committees appointed to prepare and bring in the same, to wit:

By Mr. Bledsoe—A bill more effectually to provide for the recovery of certain claims against the county courts of this commonwealth.

And by Mr. Barry—A bill providing for a change of venue in the case of Jacob Stanger.

Which were severally read the first time. The rule being dispensed with, the former bill was read a second time and committed to a committee of the whole house on the state of the commonwealth. The latter was ordered to be read a second time.

Mr. Johnson presented the petition of sundry citizens of Warren county, praying that a law may be passed to repeal the laws prohibiting the erection of mill-dams across Drake's creek, in said county; which was read and referred to the committee of propositions and grievances.

And then the senate adjourned.

TUESDAY, JANUARY 13, 1848.

The senate assembled.

On the motion of Mr. Churchill, the senator from Jefferson and Bullitt, who this day appeared and took his seat, leave is given him to record his vote on the question taken the 18th December, for a second reading of the bill from the house of representatives, entitled "an act to amend the act regulating elections." Whereupon he voted in the negative.

Bills from the house of representatives, to wit: an act regulating the fees of jailers in this commonwealth; an act authorising certain justices of the county courts to award injunctions, writs of *ne exeat* and *habeas corpus*; an act to amend an act to amend and reduce into one the several acts respecting the militia; an act authorising the clerks of the court of appeals, general court and county courts to receive acknowledgment or proof of powers of attorney; an act for the benefit of Elizabeth Griffin, and for other purposes; and an act for the relief of a part of the militia of the 72d regiment of this commonwealth; were severally read a second time.

The three first were committed to a committee of the whole house on the state of the commonwealth.

The fourth was ordered to be read a third time, and the fifth committed to Messrs. Churchill, Owens and Crutcher. The rule being dispensed with, the sixth bill was read a third time.

Resolved, That the same do pass, and that the clerk inform the house of representatives thereof.

Mr. Mason, from the committee to whom was referred an engrossed bill for the benefit of Thomas Bonnel, reported the same without amendment.

Resolved, That the said bill do pass, and that the title be "an act for the benefit of Thomas Bonnel."

Ordered, That the clerk do carry said bill to the house of representatives and request their concurrence.

A message from the house of representatives, by Mr. Fletcher:

Mr. Speaker—The house of representatives have passed a bill entitled "an act adding a part of Floyd county to the county of Bath;" in which they request the concurrence of the senate.

And then he withdrew.

The bill was taken up and read the first time and ordered to be read a second time.

A message from the house of representatives, by Mr. Butler :

Mr. Speaker—The house of representatives have passed a bill entitled “an act to amend an act entitled an act to establish an academy in the county of Gallatin;” in which they request the concurrence of the senate.

And then he withdrew.

The bill was taken up and read the first time. The rule being dispensed with, it was read a second and third time.

Resolved, That the said bill do pass, and that the clerk inform the house of representatives thereof.

A bill concerning writs of *ad quod damnum*, and a bill providing for a change of venue in the case of Jacob Stanger, were severally read a second time. The former was committed to Messrs. Bridges, Owens, Wickliff and South, and the latter ordered to be laid on the table.

A bill from the house of representatives entitled “an act for the benefit of Henry Berry,” was read a third time.

Resolved, That the said bill do pass, and that the clerk inform the house of representatives thereof.

Engrossed bills, to wit : A bill to amend an act entitled an act for the benefit of Caty and Rosa Bennett, approved January 28, 1817 ; a bill to erect an election precinct in Es-till county ; a bill for the benefit of Nezra Sumner ; a bill to amend the act entitled an act to establish the town of New-port ; a bill concerning executors and administrators ; a bill to amend the act to suppress riots, routs and unlawful assemblies of the people ; a bill to prevent clerks from practising as attorneys or counsel within their counties ; a bill authorising the trustees of the Franklin academy to sell their lands ; a bill altering the times of holding the circuit courts of Harrison and Nicholas counties ; and a bill concerning certain trespasses on lands ; were severally read a third time.

Resolved, That the eight former bills do pass, and that the titles be, respectively, “an act to amend an act entitled an act for the benefit of Caty and Rosa Bennett, approved January 28, 1817 ; an act to erect an election precinct in Es-till county ; an act for the benefit of Nezra Sumner ; an act to amend the act entitled an act to establish the town of New-port ; an act concerning executors and administrators ; an act to amend the act to suppress riots, routs and unlawful assemblies of the people ; an act to prevent clerks from practising as attorneys or counsel within their counties ; an act authorising the trustees of the academies within this commonwealth to sell their donation lands.”

Ordered, That the clerk do carry the seven former, and Mr. Crutcher the latter to the house of representatives and request their concurrence.

The ninth was ordered to be laid on the table, and the tenth committed to Messrs. Southgate, Bowmar, Crutcher, Harrison and Johnson.

A bill from the house of representatives entitled "an act to amend the act for the better regulation of the town of South Frankfort, was read the first time; and the rule being dispensed with, it was read a second and third time.

Resolved, That the same do pass, and that the clerk inform the house of representatives thereof.

A message from the house of representatives, by Mr. Trigg:

Mr. Speaker—The house of representatives have passed a bill entitled "an act for the benefit of the widow and heirs of John Handley, deceased, and for other purposes;" in which they request the concurrence of the senate.

And then he withdrew.

The bill was taken up and read the first time; and the rule being dispensed with, it was read a second and third time.

Resolved, That the same do pass, and that the clerk inform the house of representatives thereof.

The following bills were reported from the respective committees appointed to prepare and bring in the same, to wit:

By Mr. Crutcher—A bill to amend an act altering the mode of taking in the list of taxable property.

And by Mr. Johnson—A bill to remove the seat of government from the town of Frankfort.

Which were severally read the first time and ordered to be read a second time.

Mr. Owens moved the following resolution in lieu of the one offered by Mr. Bledsoe on the 6th instant, to wit:

Resolved by the senate and house of representatives of the commonwealth of Kentucky, That they have the highest confidence in the present executive of the United States, and that his administration, since he was elevated to the first office in the gift of the American people, instead of diminishing, has increased that confidence which his many public services and long tried worth had so justly inspired; and they feel assured that his future administration, like the past, will be guided by an enlightened, just and liberal policy.

Resolved, That while they feel a warm solicitude for the freedom and happiness of man throughout the globe, and the independence of nations, and more especially for the freedom and independence of those of the American continent; they entirely approve that part of the president's message which recommends a repeal of the internal taxes and the observance of a strict neutrality between Spain and her American colonies.

Resolved, That they should deem it unworthy of that just and liberal spirit which has distinguished and elevated the American character, to suspect, without cause, the sincerity of those professions of impartial neutrality which the president has avowed to this nation and the world; and when they recollect that he has grown grey in the service of his country, and that his whole life from early youth has been devoted to the cause of liberty and independence, they cannot believe that his course has been influenced by feelings of hostility to the Spanish patriots; but that it has been just and impartial, and dictated by a due regard to the laws of nations, our existing relations and negotiations with foreign powers, and the interest, peace and security of these United States.

Which being read was also ordered to be laid on the table.

Mr. Johnson, from the joint committee appointed to examine the state of the Bank of Kentucky, made the following report, to wit:

The joint committee appointed by the legislature to examine the Bank of Kentucky, and report the state of the same, have performed the duties assigned them, and report:

That every examination and information has been afforded them by the officers of the bank which they desired; that they find the institution in a prosperous and advancing condition.

In answer to that part of the resolution which requires a report of the profits of each branch, and the mother bank, within the last year, your committee beg leave to observe, that although the amount of the capital of each branch is fixed, yet it appears that the amount of money belonging to the institution used by any one of the departments, seldom corresponds with the amount of its capital, owing either to the necessity, convenience or expediency of permitting the money of one department to be employed for a while in another: hence it cannot be expected, that without much labor an exact and certain estimate could be made of the profits of each on the actual capital employed. Your committee were

furnished with a probable and rateable estimate of the profits of each within the last year, which they herewith report.

Bank of Kentucky,	-	-	-	9 $\frac{1}{4}$
Washington branch bank,	-	-	-	10 $\frac{1}{2}$
Paris do.	-	-	-	9 $\frac{1}{2}$
Winchester do.	-	-	-	8 2-3
Lexington do.	-	-	-	12
Richmond do.	-	-	-	9 $\frac{1}{4}$
Danville do.	-	-	-	8 1-3
Bardstown do.	-	-	-	9 $\frac{3}{4}$
Shelby do.	-	-	-	9 $\frac{3}{4}$
Louisville do.	-	-	-	10
Russellville do.	-	-	-	10 $\frac{1}{4}$
Hopkinsville do.	-	-	-	9
Glasgow do.	at the rate of			11 $\frac{1}{2}$
Springfield do.	-	-	-	9 $\frac{1}{2}$

Which was read and ordered to be laid on the table.

The bill concerning the jurisdiction of magistrates was taken up, and the motion made by Mr. Johnson to strike out the first section of the bill except the enacting clause, was taken up and the section read as follows, to wit :

Sec. 1. Be it enacted by the general assembly of the commonwealth of Kentucky, That the justices of the peace shall respectively have exclusive original jurisdiction of all causes not exceeding fifty dollars in value, which are founded upon judgments, specialties or parol contracts, either express or implied, and whether the said express contracts are for the payment of money, or property, or for the performance of any act or duty whatsoever, subject to appeal as heretofore.

And the question being taken thereon it was resolved in the negative—Yeas 5, nays 23.

The yeas and nays having been required by Messrs. Owens and Griffin, were as follows, to wit :

Those who voted in the affirmative, are, Messrs. Barry, Bowmar, Hillyer, Johnson and H. Taylor.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Bridges, Churchill, Crutcher, Eve, Faulkner, Given, Griffin, Harrison, Jones, Mason, Owens, Parks, Perrin, Simrall, Southgate, R. Taylor, Thompson, Welch, Wilson, Wood, Worthington and Yancey.

And so the said motion was rejected.

Mr. Johnson then moved to amend the section by striking out the words, viz. "or for the performance of any act or duty whatsoever."

And the question being taken thereon it was resolved in the negative—Yeas 14, nays 16.

The yeas and nays being required by Messrs. Owens and Harrison, were as follows, to wit :

Those who voted in the affirmative are, Messrs. Barry, Bowmar, Bridges, Eve, Hillyer, Johnson, Jones, Parks, Perrin, R. Taylor, H. Taylor, Thompson, Wood and Yancey.

Those who voted in the negative are, Mr. Speaker, and Messrs. Chambers, Churchill, Crutcher, Faulkner, Given, Griffin, Harrison, Mason, Owens, Simrall, Southgate, Welch, Wickliff, Wilson and Worthington.

And so the said amendment was rejected.

Mr. Owens then moved to strike out the fifth section of the bill, which was read as follows, to wit :

Sec. 5. *Be it further enacted*, That the constable executing any warrant in a civil case, shall return the same before some justice of the peace most convenient to the usual residence of the defendant, provided such defendant resides in the county where the warrant issues ; and any constable who shall knowingly violate the provision contained in this section, shall be subject to a fine of four dollars, recoverable before a justice of the peace by the defendant in the warrant, and for his benefit.

And the question being taken thereon it was resolved in the negative—Yeas 14, nays 16.

The yeas and nays being required by Messrs. Yancey and Bridges, were as follows, to wit :

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Chambers, Churchill, Crutcher, Eve, Given, Hillyer, Mason, Owens, Parks, Southgate, Wickliff, Wilson and Worthington.

Those who voted in the negative, are, Messrs. Barry, Bowmar, Bridges, Faulkner, Griffin, Harrison, Johnson, Jones, Perrin, Simrall, R. Taylor, H. Taylor, Thompson, Welch, Wood and Yancey.

And so the said proposition was rejected.

The bill was then ordered to be engrossed as amended and read a third time.

And then the senate adjourned.

WEDNESDAY, JANUARY 14, 1818.

The senate assembled.

Mr. Churchill, from the committee to whom was referred a bill from the house of representatives entitled "an act for the benefit of Elizabeth Griffin, and for other purposes," reported the same without amendment.

The bill was then read a third time.

Resolved, That the said bill do pass, and that the clerk inform the house of representatives thereof.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Mason—A bill for the benefit of James S. Magowan.

On the motion of Mr. Barry—A bill concerning the public roads in Fayette county.

And on the motion of Mr. Crutcher—A bill for the benefit of the widow of Peter Bodine, deceased.

Ordered, That Messrs. Mason, Barry and Chambers be appointed to prepare and bring in the first; Messrs. Barry, Worthington and Wilson, the second; and Messrs. Crutcher, Hillyer and Given, the third.

And after a short time, Mr. Mason, from the first committee, and Mr. Crutcher from the second, reported bills; which were severally read the first time.

The former was ordered to be read a second time; and the rule being dispensed with, the latter was read a second time and ordered to be engrossed and read a third time.

The following bills were reported from the several committees appointed to prepare and bring in the same, to wit:

By Mr. Eve—A bill for the benefit of David Prewitt.

By Mr. Harrison—A bill authorising the governor to let on the public arms of this commonwealth.

And by Mr. Johnson—A bill better to regulate the penitentiary.

Which were severally read the first time; and the rule being dispensed with, the second bill was read a second time and committed to a committee of the whole house on the state of the commonwealth, and the first and third were ordered to be read a second time.

A message from the house of representatives, by Mr. Shortridge:

Mr. Speaker—The house of representatives have passed a bill entitled "an act to allow an additional number of trustees to the Montgomery academy, and for other purposes."

poses ;" in which they request the concurrence of the senate.

And then he withdrew.

A resolution for appropriating vacant land for the poor supported by the respective counties, which was laid on the table the 6th instant, was taken up, twice read and disagreed to.

On the motion of Mr. H. Taylor,

Ordered, That the committee appointed to prepare and bring in a bill for the benefit of the poor of this commonwealth, be discharged.

Mr. Simrall, from the committee of propositions and grievances, made the following report, to wit :

The committee of propositions and grievances have according to order had under consideration sundry petitions to them referred, and have come to the following resolutions thereupon, to wit :

Resolved, That the petition of James Younger, junior, of Clarke county, representing that he is the owner of a tract of land in said county, containing from thirty to fifty acres; that a certain Joseph Kelly owns all the land around his tract, and has fenced in the same, and refuses to let him have egress and ingress to his land ; and praying the legislature to take the subject into consideration, and to pass some special law for his relief, or to make some general explanation or amendment of the existing laws, *is reasonable*.

Resolved, That the petition of sundry citizens of Warren county, praying that a law may be passed to repeal the laws prohibiting the erection of mill dams, &c. across Drake's creek in said county, *is reasonable*.

Which being twice read was concurred in.

Ordered, That said committee prepare and bring in bills pursuant to said resolutions.

A message from the house of representatives, by Mr. Patton :

Mr. Speaker—The house of representatives concur in the resolution from the senate fixing a day for the election of a treasurer and public printer, also a president and directors to the bank of Kentucky on the part of the state, with an amendment fixing on the 20th instant for the election ; and they have passed a bill entitled " an act further to regulate the court of appeals ;" in which amendment and bill they request the concurrence of the senate.

And then he withdrew.

The said amendment was then twice read and concurred in.

Ordered, That the clerk acquaint the house of representatives therewith.

An engrossed bill to incorporate the Kentucky Hospital, was read a third time and the blanks therein filled.

Mr. Barry offered a section by way of rider, which was read three times and amended.

On motion,

Ordered, That the bill and amendment be laid on the table.

Mr. Bowmar, from the committee to whom was referred an engrossed bill concerning certain trespasses on lands, reported the same with an amendment.

Which being twice read was concurred in.

Ordered, That said bill as amended be re-engrossed and read again.

And then the senate adjourned.

THURSDAY, JANUARY 15, 1818.

The senate assembled.

Mr. Simrall, from the committee of propositions and grievances, reported a bill to repeal all acts or parts of acts declaring Drake's creek, in Warren county, a navigable stream; also a bill authorising Roger Oats to open a road from Monticello to the Tennessee line: which were severally read the first time; and the rule being dispensed with, the former bill was read a second and third time.

Resolved, That the said bill do pass, and that the title be "an act to repeal all acts or parts of acts declaring Drake's creek, in Warren county, a navigable stream."

Ordered, That Mr. Owens do carry said bill to the house of representatives, and request their concurrence.

The latter bill was ordered to be read a second time.

Mr. Bridges, from the select committee to whom was referred a bill concerning writs of *ad quod damnum*, reported the same with an amendment; which being twice read was concurred in.

Ordered, That the bill as amended be engrossed and read a third time.

A message from the house of representatives, by Mr. Fleming:

Mr. Speaker—The house of representatives have passed a bill entitled "an act for the benefit of the heirs of Samuel Galligher, deceased;" in which they request the concurrence of the senate.

And then he withdrew.

Mr. Chambers, from the joint committee of enrolments, reported that the committee had examined an enrolled bill entitled "an act for the benefit of the widow and heirs of John Handley, deceased, and for other purposes;" and found the same truly enrolled.

A message from the house of representatives, by Mr. Todd:

Mr. Speaker—The speaker of the house of representatives having signed an enrolled bill, I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

The speaker then signed the said bill, being the same just reported by Mr. Chambers, and it was delivered to the joint committee of enrolments, to be presented to the lieutenant governor for his approbation.

Mr. Owens moved the following resolution, to wit:

Resolved, That a committee be appointed to wait on the lieutenant governor and request him to return to the senate the rejection of Hiram Mellot, colonel of the 1st regiment of the Kentucky militia.

Which being twice read was adopted, and Messrs. Churchill, Owens and Bowmar appointed a committee pursuant thereto.

An engrossed bill to establish the Kentucky Hospital, was taken up, and the following engrossed clauses, by way of rider, were added thereto, viz.

Sec. 8. *And be it further enacted*, That as soon as any part of the hospital now building shall be completed and prepared, suited to the reception and accommodation of ten or more insane persons, the said president and managers shall report the same to the governor of this commonwealth, who shall cause the same to be made known in such manner as he may deem proper. That in thirty days after such notice, the said president and managers shall receive into said hospital such number of insane persons, now supported at public expence, as said hospital may be prepared to receive; giving preference to those that are most expensive to the commonwealth. And the committee or committees of such insane persons as may be thus received into the hospital, shall pay over to the president and managers any public money in their hands, after deducting the expences incurred by them in keeping such insane persons.

Sec. 9. *Be it further enacted*, That said hospital, with its funds, shall be considered as the property of this common-

wealth, subject at all times to the superintendence and control of the legislature; and that the property that may be transferred or conveyed to the president and managers of said hospital, shall be held by them for the use of the commonwealth.

The question was then taken on the passage of the bill, and it was resolved in the affirmative—Yeas 16, nays 15.

The yeas and nays being required by Messrs. Harrison and Chambers, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Barry, Bledsoe, Bowmar, Chambers, Eve, Johnson, Mason, Parks, Perrin, Simrall, Southgate, R. Taylor, H. Taylor, Thompson, Welch and Yancey.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Bridges, Churchill, Crutcher, Faulkner, Given, Griffin, Harrison, Hillyer, Jones, Owens, Wickliff, Wilson, Wood and Worthington.

Resolved, That the said bill do pass, and that the title be “an act to establish the Kentucky Hospital.”

Ordered, That Mr. Barry do carry said bill to the house of representatives and request their concurrence.

An engrossed bill concerning the jurisdiction of magistrates, was taken up and the blanks therein filled.

Mr. Southgate then moved to re-consider the vote given the day before yesterday, on expunging the words “or for the performance of any act or duty whatsoever,” from the first section.

And the question being taken thereon, the vote was reconsidered and the words ordered to be expunged.

The bill was then read a third time as amended; and the question being taken on the passage thereof, it was resolved in the affirmative—Yeas 21, nays 10.

The yeas and nays being required thereon by Messrs. Crutcher and Given, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Barry, Bledsoe, Bowmar, Churchill, Faulkner, Griffin, Hillyer, Jones, Mason, Owens, Perrin, Simrall, Southgate, Thompson, Welch, Wilson, Wood, Worthington and Yancey.

Those who voted in the negative, are, Messrs. Chambers, Crutcher, Eve, Given, Hardin, Harrison, Parks, R. Taylor, H. Taylor and Wickliff.

Resolved, That the said bill do pass, and that the title be “an act to amend an act entitled an act to amend the act to increase the jurisdiction of magistrates, approved 30th January 1812.”

Ordered, That Mr. Owens do carry said bill to the house of representatives and request their concurrence.

Engrossed bills, to wit : A bill concerning the erection of poor-houses in the several counties in this commonwealth ; and a bill for the benefit of the widow of Peter Bodine, deceased ; were severally read a third time.

Resolved, That the said bills do pass, and that the titles be, respectively, "an act concerning the erection of poor-houses in the several counties in this commonwealth," and "an act for the benefit of the widow of Peter Bodine, dec'd."

Ordered, That Mr. Bledsoe do carry the first, and Mr. Crutcher the second to the house of representatives and request their concurrence.

Bills from the house of representatives, to wit : an act authorising the clerks of the court of appeals, general court and county courts to receive acknowledgment or proof of powers of attorney ; and an act adding part of Floyd county to the county of Bath ; were severally read, the former a third time and the latter a second time ; and the rule being dispensed with, the latter was also read a third time.

Resolved, That the said bills do pass, and that the clerk inform the house of representatives thereof.

The senate received a message in writing from the lieutenant governor, by Mr. Waggener, to wit :

Gentlemen of the Senate,

Agreeably to a resolution of the senate of this day, I return so much of the report of the resolution of the 19th December as relates to the rejection of Hiram Mellot, colonel of the 1st regiment.

GABL. SLAUGHTER.

January 15, 1818.

An engrossed bill concerning certain trespasses on lands, was read again.

And the question being taken on the passage thereof, it was resolved in the affirmative—Yeas 19, nays 9.

The yeas and nays being required thereon by Messrs. Wickliff and Crutcher, were as follows, to wit :

Those who voted in the affirmative, are, Messrs. Barry, Bledsoe, Bowmar, Chambers, Churchill, Crutcher, Eve, Given, Hardin, Hillyer, Johnson, Owens, Parks, Perrin, Southgate, R. Taylor, Thompson, Welch and Worthington.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Faulkner, Jones, Mason, Simrall, H. Taylor, Wickliff, Wood and Yancey.

Resolved, That the said bill do pass, and that the title be
“an act concerning certain trespasses on lands.”

Ordered, That the clerk do carry said bill to the house of
representatives and request their concurrence.

A bill to amend an act altering the mode of taking in the
list of taxable property, was read a second time and com-
mitted to a committee of the whole house on the state of the
commonwealth.

A bill to remove the seat of government from the town of
Frankfort, was read a second time as follows, to wit:

*A BILL to remove the seat of government from the town of
Frankfort.*

*Be it enacted by the general assembly of the commonwealth of
Kentucky*, That the seat of government for the said common-
wealth shall be, and the same is hereby removed from the
town of Frankfort, from and after the end of the present
session.

Be it further enacted, That the seat of government for this
state shall be, and the same is hereby removed to the town
of Lexington, there to remain for the term of years
from the end of the present session.

Be it further enacted, That three commissioners shall be
appointed by a joint vote of both branches of the legislature,
whose duty it shall be to ascertain the most central point in
the state, and report to the next legislature; and shall also
report two of the most eligible situations or scites for the
seat of government nearest said centre, together with the ad-
vantages or disadvantages pertaining to each.

Be it further enacted, That the said commissioners shall
also, in case said scites, or either of them, shall not be with-
in the bounds of some town, report the price for which 1000
acres of land around said centre can be had by the state.

Be it further enacted, That the said 1000 acres of land, if
to be had upon reasonable terms, shall be purchased by the
state and laid off into lots, streets and alleys; and after re-
serving so much of said ground as may be thought necessa-
ry for public uses and purposes, the residue to be sold, and
the proceeds of the sales, after defraying the original pur-
chase money, shall be applied, as far as necessary, toward
erecting a state-house and other necessary public buildings.

Be it further enacted, That so soon as the said state-house
and other public buildings shall be erected, and the said
years shall expire, the seat of government shall be removed
to said town so to be laid off as aforesaid.

Be it further enacted, That it shall be the duty of the au-

ditor, treasurer, register, secretary of state and adjutant general to remove their offices to the town of Lexington, on or before the day of next

The question was taken on engrossing and reading the bill a third time, and it was resolved in the negative—Yeas 13, nays 17.

The yeas and nays being required thereon by Messrs. Bledsoe and Bowmar, were as follows, to wit :

Those who voted in the affirmative, are, Messrs. Barry, Churchill, Faulkner, Given, Griffin, Hardin, Harrison, Johnson, Owens, Wickliff, Wilson, Wood and Yancey.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Bledsoe, Bowmar, Bridges, Chambers, Crutcher, Eve, Jones, Mason, Parks, Perrin, Simrall, Southgate, R. Taylor, H. Taylor, Thompson, and Worthington.

And so the said bill was rejected.

And then the senate adjourned.

FRIDAY, JANUARY 16, 1818.

The senate assembled.

Mr. Yancey, from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, to wit : An act to add additional trustees to the Somerset academy, and for other purposes ; an act further to regulate the town of Williamsville, in Jefferson county ; an act for the benefit of Russell Curtis and Barbara Carter ; an act better to enforce the collection of certain fines ; an act to erect election precincts in the counties of Union and Shelby, and to change the place of holding the election in the northern precinct of Christian county ; an act to amend an act entitled an act to regulate the town of Scottsville, and for other purposes ; an act adding part of Montgomery county to Floyd county ; an act establishing the town of Fredericksburg in Washington county, and the town of Petersburg in Boone county ; an act for the division of Knox county ; an act for the benefit of the securities of Thomas Evans, late sheriff of Floyd county ; an act for the benefit of Peter Wood and Nancy Crews ; an act to amend the act for the better regulation of the town of South Frankfort ; an act for the relief of a part of the militia of the 72d regiment of this commonwealth ; an act to amend an act entitled an act to establish an academy in the county of Gallatin ; an act authorising certain lotteries ; an act for the benefit of Henry Berry ; an act to authorise the county court

of Lewis to lay an additional levy ; an act for the benefit of James Rumsey ; and had found the same truly enrolled.

Mr. Chambers, from the joint committee of enrolments, reported that the committee had laid before the lieutenant governor for his approbation, an enrolled bill signed on yesterday.

A message from the house of representatives, by Mr. Davis :

Mr. Speaker—The speaker of the house of representatives having signed sundry enrolled bills, I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

The speaker then signed the said bills, being the same reported to-day by Mr. Yancey, and they were delivered to the joint committee of enrolments, to be presented to the lieutenant governor for his approbation. And after a short time, Mr. Yancey, from said committee, reported that they had performed that duty.

A message from the house of representatives, by Mr. Coffey :

Mr. Speaker—The house of representatives have passed a bill entitled “ an act to alter the time of holding the Casey circuit and county courts ;” in which they request the concurrence of the senate.

And then he withdrew.

The vote given on the 19th of December, rejecting the nomination of Hiram Mellott, colonel of the 1st regiment, was reconsidered, and the nomination again taken up.

Mr. Hardin then moved the following resolution, to wit :

Resolved, That the nomination be referred to a select committee, who shall have power to send for persons, papers and records for their information.

Which being twice read was adopted, and Messrs. Churchill, Harrison, Simrall, Hardin, Owens, Chambers and Wickliff were appointed a committee pursuant thereto.

Bills from the house of representatives, to wit : An act to authorise the sale of part of the public ground in Morgantown ; and an act to legalise the proceedings of the county court of Logan at their December term 1817 ; were severally taken up.

Resolved, That the said bills do pass, and that the clerk inform the house of representatives thereof.

An engrossed bill altering the times of holding the circuit courts of Harrison and Nicholas counties, was taken up.

Resolved, That the said bill do pass, and that the title be “ an act altering the times of holding the circuit courts of Harrison and Nicholas counties.”

Ordered, That the clerk do carry said bill to the house of representatives and request their concurrence.

On the motion of Mr. Hardin, leave is given to bring in a bill to raise a sum of money by lottery for the purpose of building a seminary of learning in Hardinsburg, and paving the main street of said town.

Ordered, That Messrs. Hardin, R. Taylor and Owens be appointed a committee to prepare and bring in the same.

The following bills were reported, to wit :

By Mr. Simrall—A bill to incorporate the Kentucky Ohio Canal Company.

And by Mr. Barry—A bill to open a road from Mountsterling to Prestonsburg, and for other purposes.

Which were severally read the first time ; and the rule being dispensed with, they were read a second time and committed to a committee of the whole house on the state of the commonwealth.

Mr. Owens, from the joint committee appointed to confer with and receive proposals from printers for executing the public printing, made the following report :

THE joint committee appointed to confer with printers, have performed that duty, and have received from Messrs. Kendall and Russells, and from Messrs. Bledsoe and Farnham propositions in writing which are herewith submitted.

The committee have examined Mr. Fielding Bradford with respect to the prices of printing, whose statement is also submitted herewith.

From the information received by this committee, it is their opinion that the prices for the public printing established by the resolution of the legislature at the session of 1808, are reasonable—not *above* the usual prices for such business in the country at this time, and that those prices will not afford the public printer more than a reasonable compensation for the labor : They, therefore, recommend the adoption of the following resolution :

Resolved by the General Assembly of the Commonwealth of Kentucky, That the prices of the public printing be the same as those heretofore paid according to the resolution of the legislature at the session of 1808.

WM. OWENS;	} <i>From the Senate.</i>
HUMPHREY JONES,	
WM. P. FLEMING,	} <i>From the House of Rep's.</i>
WALKER REID,	
THOMAS T. BARR,	
GEO. M. BIBB,	

January 16, 1818.

William Owens, Esq. Chairman of the Committee to confer with Printers, on behalf of the Senate.

SIR,

WE beg leave through you to lay before the committee appointed to confer with printers the following statement, viz.

In the year 1809 there were several candidates for the office of public printer, who submitted to the committee their respective propositions. On the report of the committee the General Assembly did not accept the propositions of any one of the candidates; but adopted by a joint resolution a schedule of prices, at which rates, the accounts of the public printer should thereafter be settled. This schedule has never been altered, and we imagine must continue to regulate the prices of public printing, until changed by the authority by which it was adopted. For more full information on this subject, we refer to the Journal of the Senate for the December session 1808, transmitted to your committee, pages 120, 122, 127, 128, 130, 131. In addition to the prices there fixed, the public printer was, like all the other public officers, furnished with an office and his firewood by the commonwealth. Since the burning of the old state-house, he has been allowed the sum of 100 dollars in lieu of an office, and the practice of furnishing him with firewood is wholly discontinued.

At the present prices in Frankfort, the sum allowed in lieu of these articles, is not more than half sufficient to meet the expence. The price of all the necessaries of life having nearly doubled since 1809, and the price of labor and materials having greatly increased, it will be readily perceived by your committee, that the profits of the public printer cannot be so great by a large per cent. as at that period. In fact, the price of all other printing has risen since that time, from 25 to 50 per cent. and the lowest rate at which cash jobs are now done for individuals is 62 1-2 cents, while the highest price is 75 cents. We submit to the consideration of your committee, whether the General Assembly ought not to raise the price of the Journals and Acts to 62 1-2 cents, and the other printing in the same proportion. If this were done, it is believed, the additional sum to be received by the printer, would fall considerably short of \$300. The allowance for office rent and firewood, which, if it equalled the expence of these articles, would be at least \$200, might be discontinued, so that the actual allowance to the printer over what he received in 1809, would fall short of \$100.

We make these suggestions thinking that the General Assembly ought, as it did in 1809, to fix the prices of printing at a reasonable and just rate, and then elect to that office those who are best qualified and best situated to perform its duties.

We have only to add, that we are candidates for the office of public printer on the present terms or any other which the General Assembly may think reasonable and just.

Since the last session, having united the offices of the *Paladium* and *Argus*, we are in a situation to do all the public work, even if it were doubled, with the utmost neatness and punctuality, and being the editors of a newspaper of more extensive circulation than any other in the state, we can give a more general publicity to the public advertisements than they can obtain through any other channel.

KENDALL & RUSSELLS.

Frankfort, Jan. 12, 1818.

To the Honorable Chairman of the Committee on the part of the Senate of Kentucky, to confer with Printers.

THE undersigned beg leave to express to you their wishes to be considered candidates for the office of public printers for the year ensuing.

Should it be the pleasure of the General Assembly to confer on them their suffrages for this office, the following proposals may be considered the definitive terms of compensation for which they will stipulate to execute the public work.

For the *composition* of the Laws and Journals of both houses, 30 cents per thousand Ms.

For the press work of ditto, 30 cents per *token*.

For printing *blanks* for the public offices, *bills* for the two houses while in session, *lists of non-residents' lands, &c. &c.* the same price heretofore paid for similar services.

In order to obviate any misapprehension from the use of *technical* terms in the above proposals, the subscribers take the liberty to observe that the letter (M) being nearly a *square*, has been selected by printers as a standard of calculation, to ascertain the *quantum* of work contained in any given number of pages of an uniform type. Thus for example, a single line of the Journals is equal to 26 Ms. of the present type. Supposing the page to contain 47 lines, this number multiplied by 26, the number of Ms. in one line, will give 1222 Ms. the whole number in the page. *Tokens* are a given quantity of paper, and are numbered alternately 10 and 11 quires. Thus 21 quires of paper constitute 2 *tokens*.

The subscribers have been informed that for many years past it has been the practice of the legislature to make an annual allowance to the public printers for office rent and fire-wood during the session of the Assembly, as well as an appropriation in *advance* for the purchase of paper, &c. They wish the legislature to understand that these proposals are predicated on the continuance of the customary appropriation and allowances. It will be understood likewise, that the state will be charged with the *prime cost* only, of the paper used in the public work.

The undersigned have been thus explicit in regard to details, in order to prevent any misapprehension of the mode of calculating typographical work, as well as from a desire to furnish the legislature with satisfactory *data* for the scrutiny of any accounts that may be presented for liquidation.

The legislature from an inspection of the Journals for some years back, will perceive that the price for which the public work has been executed has been 50 cents for the composition of a thousand Ms. and 50 cents for *impressing* each token of paper. So that the ratio between the proposals of the undersigned and the former prices is as 30 to 50.

It may possibly be objected on the part of some gentlemen of the type, that these proposals do not afford sufficient profit to the printer. To this, the undersigned have only to reply, that by the old prices, two pretty considerable fortunes were made within a very short period of time—that a reasonable and moderate compensation will satisfy their wishes; and they pledge themselves, if elected, to execute the work with fidelity, correctness and dispatch; and to leave no room for dissatisfaction on a comparison of the future with the past.

With sentiments of high consideration,

We are sir, respectfully your ob't. serv'ts.

BLED SOE & FARNHAM.

Frankfort, Jan. 12, 1818.

William Owens, Esq. Chairman of the Committee to confer with Printers, from the Senate.

SIR,

WE submit to your consideration, and that of the committee appointed to confer with printers, the following additional remarks, viz.

We should not have troubled your committee with any further communications, but for the offer which has been made by Messrs. Bledsoe and Farnham, to execute a part of the public printing, at a price considerably lower than the present rate. If the committee shall be satisfied, that this

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offer has arisen, not from an expectation to obtain the public work at a fair and reasonable price, but from some other motive, we trust it will not meet with your approbation.

The prices at which Messrs. Bledsoe and Farnham have offered to execute the Journals and Acts are precisely what has for years past been paid to Journeymen for doing the same work, viz : 30 cents per thousand ems for composition, and 30 cents per token for presswork. In this statement we do not fear contradiction ; for those who have paid and received the money are now in Frankfort and ready if necessary to confirm its truth. This is, therefore, an offer not only to do that part of the public work for nothing, but to pay the expense of firewood, candles, ink, &c. &c. into the bargain !!

This winter we do not hire our hands by the thousand and token ; but we pay them nine dollars each per week. We have calculated the cost of the Journals so far as they are completed, and the result with respect to the composition is as follows :

We have finished 152 pages of the Representatives' Journal, containing about 1250 ems in each page, amounting in the whole to 190 thousand. During the same time we have completed 110 pages of the Senate Journal containing about 1250 ems each, amounting in the whole to a little more than 137 thousand. To do this work, we have employed two hands at nine dollars per week each. Make an estimate at the proposed price, and what will be the result ?

190 thousand ems representative Journal at				
30 cents, is	-	-	-	\$57 00
137 Do.	do.	Senate	do. at 30	
cents, is	-	-	-	41 10

Total, \$ 98 10

One hand 6 weeks at 9 dollars per week is \$54 00

One do. 5 1-2 weeks at 9 dollars per week is 49 50

Total, \$103 50

Balance against the printer, \$5 40

In this there is no mistake—there can be none. It is as plain as that two and two make four, and shows beyond contradiction that we pay for the composition of so much of the Journals as has been completed, five dollars forty cents more than 30 cents per thousand, the price at which those printers offer to do it. The proportion is not more favorable to the printer as it respects presswork. Must not those

be very patriotic, or very eager for a job, who are ready not only to do this work for nothing, but even pay something for the privilege?

The following calculation will show what are the real profits of this part of the public printing. It is made upon the present prices.

190 thousand ems at 50 cents is	\$95 00
137 Do. at do. is	68 50
Total,	\$163 50
Pay to hands as above, is	103 50

Leaving in favor of the printer, \$60 00

The average profit of presswork is about one fifth as much as the composition, or if it varies from that ratio, it falls short, as when the pressman is hired by the week he is often idle; but say one fifth.

\$12 00

Profit on 262 pages of Journal, completed	\$72 00
But from this must be deducted the expence of ink, firewood, candles, repairs, &c. &c. for six weeks, which cannot be less than	\$20 00

Leaving for wear of materials and nett profit \$52 00

From every estimate and calculation, we firmly believe, that the whole nett profit to the printer on the Journals of the session, do not exceed \$100, not enough to support a single man in Frankfort six months.

In the year 1809, Mr. Bledsoe was a candidate for the public printing, in partnership with William Gerard. The propositions which he then submitted are on record in the Journal, which we have laid before you. They were, for the composition and presswork of the Journals and acts, 50 cents per thousand and token; 75 cents for plain blanks, and 150 cents for ruled or figured. Of the two latter items the first exceeds the present prices, 50 per cent. and the last 20.

At that time the standing wages of Journeymen, were six dollars per week; for a first rate hand, seven, or 25 cents per thousand and token. Now, the standing wages of Journeymen is eight dollars; for a first rate hand nine or ten, or 30 cents per thousand and token. During winter we at present give nine to all our hands, and we believe the other office gives the same. In 1809 the price of board at the boarding houses in this town was two dollars—Now it is no where less

than three dollars—almost every thing else has risen in proportion. Mr. Bledsoe was that year elected public printer, not on his proposed prices, but on the present, and so poor did he then consider his prospect for making a fortune, that in a few months he sold out and quit the business. But now when the prices of every thing else have risen as above stated, he is ready to do all the public printing below the prices he then proposed, and a part of it forty per cent lower than the present prices!

Since Messrs. Bledsoe and Farnham have established a press in Frankfort, they have found it necessary to raise the price of their newspaper from two and three dollars to three and four, and the price of advertising, it is believed, 50 per cent. We acknowledge the justice and propriety of this measure, have raised the price of advertising ourselves, and should have raised the price of our paper, but for our numerous subscription and the great portion of our columns which is occupied by the favors of our advertising friends.

From these facts let the committee and the general assembly judge, what motive has produced this offer and determine on the propriety of altering the prices of the public work or letting them remain as at present. We have no doubt if any change is made, it will be an increase instead of a diminution of prices.

That the public printers have heretofore derived some profit from their office is undeniable; but if they had derived emolument from no other source, their fortunes would have been small.

We have only to repeat, that we are candidates for the office of public printer on the present terms, or any other which the general assembly may think reasonable and just.

KENDALL & RUSSELLS.

Frankfort, Jan. 14, 1818.

P. S. We have said nothing as to the acts, because they are done at the same price as the Journals.

To the Hon. Chairman of the committee on the part of the Senate, to confer with PRINTERS.

It is with regret that we trespass again on your patience. But an additional lengthy communication on the part of Kendall and Russells has imposed on us the necessity of explanation. Our proposals for executing the public work were clear, simple and definite; they contained no allusion whatever to any gentleman of our profession, who had presented, or who might present to the committee similar ones. An experience of 8 years on the part of one of the firm in executing

the public work, has enabled us to graduate our propositions on a scale, which while it respected the public economy, left to ourselves a reasonable and moderate compensation.—If a more rigid economy on the part of this firm, a greater sacrifice of personal ease, or a longer experience in those arrangements, which are of a professional nature, should render us competent to execute the public work on the terms stipulated, of which it is presumed we shall be permitted to judge for ourselves, it was not to have been expected that our *motives* would be assailed, or that insinuations unfounded and injurious would have been made to the committee by men competing with us for the same office. This course we believe to be unprecedented. A proper respect for the legislature, the committee and ourselves precludes any reply to such suggestions. With the *motives* of our opponents we have nothing to do—conscious ourselves that we are actuated by no other than a regard to the public good, and a wish to procure by honest industry, a comfortable subsistence. As however it has become necessary to repel insinuations unjust and injurious, we do not hesitate to declare our belief that we can afford to execute the public printing *cheaper* than our competitors. And if no other reason existed, for this plain and obvious one: Because we are unshackled by any pecuniary obligations resulting from the transfer or sale of the office of public printer during the last year.

We are not conscious of any very great eagerness for a *job*, nor do we advance any claims to exclusive patriotism, as is kindly insinuated by the other firm; but we do claim the privilege of judging for ourselves on what terms we can execute any business that may be confided to us, and offer any security that may be required for the faithful, correct and expeditious performance of our contract.

In 1809 the legislature passed a resolution by which they reduced the price to be paid by the state for every article of typography. The same arguments were then used, the same objections were then raised against a diminution which have been addressed to your committee, but without success. We hope the legislature will again establish a tariff on the minimum of a fair competition, which to us appears a course perfectly consonant with republican economy, and impartial justice to individuals.

The unfortunate connection that existed between Gerard and Bledsoe in 1809 has been made use of by our competitors in a manner calculated to impose on the committee, and to injure the firm of Bledsoe and Farnham. This must be our

apology for noticing it. It has been stated by them "that so poor did Mr. Bledsoe then consider his prospect of making a fortune on the established prices that in a few months he sold out and quit the business." Mr. Bledsoe would observe that he abandoned the business at that time more from a dissatisfaction with his partner, than from any dissatisfaction with his profits.

In conclusion we have only to observe that the terms on which we have offered to execute the public work are such as prudent, economical and industrious men of our profession can afford to accept, unless they should unfortunately be embarrassed by contingencies which operated as a draw-back on their profits; and we beg you, Mr. Chairman, to consider us candidates on our original terms.

We are, respectfully, your obedient servants,

BLEDSON & FARNHAM.

Frankfort, January 15, 1818.

Prices of printing at Lexington at present.

Manuscript copy, from 50 to 75 cents per thousand ems.

Press work, 50 cents per token.

Journeyman's wages (manuscript) from 25 to 30 cents per 1000 ems.—Press work 30 cents.

From printed copy, 25 cents per thousand ems.

F. BRADFORD, Jr.

November, 1817.

Mr. Owens then moved, as one of the committee, for leave to enter his protest against said preamble and resolution adopted by the committee; which was read as follows, to wit:

The undersigned, composing part of the joint committee appointed to confer with printers, beg leave to enter their protest against the preamble and resolution adopted by the said committee, for the following reasons: First, they do not think it necessary or proper in the said committee to give an opinion as to the propriety or impropriety of altering the prices of printing; they conceive the power delegated to them as a committee, would not authorise them to do more than receive propositions from printers, and report the same to the legislature. Secondly, they are induced to believe the public printing can be done advantageously to the undertaker much cheaper than it is at present done, as propositions to that effect have been made by Messrs. Bledsoe and Farnham.

W. OWENS, from the Senate.

BOB P. LETCHER, from the H. R.

But the Speaker decided it out of order.

Whereupon Mr. Owens appealed from the decision of the chair; and the question being put upon the appeal, it was resolved that the decision was correct—Yeas 24, nays none.

The yeas and nays being required by Messrs. Owens and Harrison, were as follows, to wit:

Those who voted are, Mr. Speaker, and Messrs. Barry, Bowmar, Bridges, Chambers, Crutcher, Eve, Griffin, Given, Harrison, Johnson, Jones, Mason, Owens, Parks, Perrin, Southgate, R. Taylor, H. Taylor, Thompson, Wilson, Wood, Worthington and Yancey.

The question was then taken on agreeing to the resolution of the committee, and it was resolved in the negative—Yeas 15 nays 15.

The yeas and nays being required by Messrs. Crutcher and Johnson, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Barry, Bowmar, Chambers, Given, Hillyer, Johnson, Parks, Perrin, H. Taylor, Thompson, Wilson, Wood, Worthington and Yancey.

Those who voted in the negative, are, Messrs. Bridges, Churchill, Crutcher, Eve, Faulkner, Griffin, Hardin, Harrison, Jones, Mason, Owens, Simrall, Southgate, R. Taylor and Wickliff.

The vote being equal, the Speaker, agreeably to the rule of the senate, declared the said resolution was disagreed to.

A message from the house of representatives, by Mr. John T. Johnson:

Mr. Speaker—The house of representatives have passed a bill entitled “an act establishing several independent banks in this commonwealth;” in which they request the concurrence of the senate.

And then he withdrew.

The bill was taken up and read the first time; and the rule being dispensed with, it was read a second time and committed to a committee of the whole house for Tuesday next.

And then the senate adjourned.

SATURDAY, JANUARY 17, 1818.

The senate assembled.

Mr. Yancey, from the joint committee of enrolments, reported that the committee had examined an enrolled bill entitled “an act for the relief of the sheriffs of Caldwell and

Adair counties," and an enrolled resolution fixing a day for the election of a treasurer and public printer, also a president and directors to the Bank of Kentucky on the part of the state; and had found the same truly enrolled.

A message from the house of representatives, by Mr. Davis:

Mr. Speaker—The speaker of the house of representatives having signed an enrolled bill and resolution, I am instructed to lay the same before the senate for the signature of their speaker.

And then he withdrew.

Whereupon the speaker signed the said bill and resolution, being the same reported to-day by Mr. Yancey, and they were delivered to the joint committee of enrolments, to be laid before the lieutenant governor for his approbation. And after a short time Mr. Yancey reported that the committee had performed that duty.

A bill better to regulate the penitentiary; a bill authorising Roger Oats to open a road from Monticello to the Tennessee line; a bill for the benefit of David Prewitt; and a bill for the benefit of James S. Magowan; were severally read the second time.

The two former were committed to a committee of the whole house on the state of the commonwealth; the two latter were ordered to be engrossed and read a third time.

On the motion of Mr. Churchill, leave was given to bring in a bill to regulate the fees of inspectors.

Ordered, That Messrs. Churchill, Owens, Griffin, Chambers and Worthington be appointed a committee to prepare and bring in the same.

Bills from the house of representatives, to wit: An act further to regulate the court of appeals; an act for the benefit of the heirs of Samuel Galligher, deceased; and an act to alter the time of holding the Casey circuit and county courts; were severally read the first time.

The rule being dispensed with, the second and third were read a second time and the third a third time.

Resolved, That the third do pass, and that the clerk inform the house of representatives thereof.

The first was ordered to be read a second time and the second a third time.

A message from the house of representatives, by Mr. Sharpe:

Mr. Speaker—The house of representatives have passed a bill from the senate entitled "an act for the improvement of

internal navigation," with amendments, in which they request the concurrence of the senate.

And then he withdrew.

The said amendments were taken up, severally read and ordered to be laid on the table until Tuesday next.

A bill from the house of representatives entitled "an act to allow an additional number of trustees to the Montgomery academy, and for other purposes," was read the first time.

The rule being dispensed with, it was read a second time, and committed to Messrs. Mason, Hillyer and Harrison.

And after a short time, Mr. Mason reported the bill without amendment, and it was ordered to be read a third time.

A message from the house of representatives, by Mr. Gaither :

Mr. Speaker—The house of representatives have adopted the following resolution, to wit :

IN THE HOUSE OF REPRESENTATIVES, Jan. 17, 1818.

Resolved by the general assembly of the commonwealth of Kentucky, That when they adjourn on Saturday the 31st instant, they will adjourn sine die.

Extract, &c.—Att.

R. S. TODD, C. H. R.

In which they request the concurrence of the senate.

And then he withdrew.

The resolution was read and ordered to be laid on the table until Thursday next.

Mr. Owens read and laid on the table the following resolutions, to wit :

Resolved by the general assembly of the commonwealth of Kentucky, That the rates to be allowed for the public printing in future, shall be thirty cents per thousand ems, and thirty cents per token, for the Journals of each house and the Laws ; and all other kinds of public printing at the rates now allowed for that work. And the auditor of public accounts, in settling the accounts of the public printer, shall calculate at the foregoing rates.

And be it further resolved, That hereafter the legislature will proceed by joint vote to the election of two public printers ; and that the printing be divided in the following manner : 1st, That one printer be directed to print the Acts of the General Assembly, the Journal of the house of representatives, and the list of non-residents' land. 2d. That the other printer be directed to print the Journal of the senate, the bills for each house and the blanks for the public officers.

Mr. H. Taylor, from the committee appointed for that purpose, reported a bill more effectually to prevent the destruction or removal of corner trees, stones or posts, which are of record in this commonwealth: which was read the first time.

The rule being dispensed with, it was read a second time and ordered to be engrossed and read a third time.

The senate then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Owens in the chair; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Owens reported, that the committee had according to order had under consideration a bill to amend an act entitled an act to regulate taverns and restrain tippling houses, approved 19th December 1793; and had gone through the same with amendments, which he handed in at the clerk's table.

Ordered, That the bill with the amendments be recommitted to Messrs. Faulkner, Southgate, Welch, Perrin, Crutcher, Chambers, Given and Bridges.

The senate received official information from the lieutenant governor, by Mr. Secretary Pope, that he did on to-day approve and sign an enrolled bill and resolution which originated in the senate, to wit: An act for the relief of the sheriffs of Caldwell and Adair counties, and a resolution fixing on a day for the election of a treasurer and public printer, also a president and directors to the bank of Kentucky on the part of the state.

Ordered, That the clerk inform the house of representatives thereof.

Mr. Bridges, from the committee to whom was referred the petition of the trustees of Harrodsburg, reported a bill for their benefit; which was read the first time, and the rule being dispensed with it was read a second time and ordered to be engrossed and read a third time.

On the motion of Mr. Bridges, leave was given to bring in a bill for the benefit of Daniel A. Brewer.

Ordered, That Messrs. Bridges, Southgate, Parks and Owens prepare and bring in the same.

Mr. Southgate presented the memorial of Richard S. Wheatley, remonstrating against the passage of a bill to repeal in part or in whole the act of last session entitled "an act to provide for a more speedy recovery of the custody of wives, children or wards;" for reasons set forth in the memorial; or if it should be repealed, that some provision may

be made by which actions commenced under said act may not be affected : which was read and ordered to be laid on the table.

And then the senate adjourned.

MONDAY, JANUARY 19, 1818.

The senate assembled.

Mr. Wickliff presented the petition of sundry stockholders in the bank of Kentucky, remonstrating against the inequality of taxation, under the *ad valorem* system, between bank stock and other property ; praying that the law may be so modified as to render the system equal, and to impose a tax on the capital of the United States banks located in this state equal to that imposed on the state bank : which was read and referred to the committee of propositions and grievances.

A message from the house of representatives, by Mr. Dupuy :

Mr. Speaker—The house of representatives have passed a bill entitled “an act to vest certain powers in the county court of Shelby ;” in which they request the concurrence of the senate.

And then he withdrew.

The bill was read the first time ; and the rule being dispensed with, it was read a second time and amended at the clerk’s table. The rule was then again dispensed with and the bill read a third time.

Resolved, That the said bill as amended do pass, and that Mr. Simrall inform the house of representatives thereof and request their concurrence in said amendments.

The following bills were reported from the respective committees appointed to prepare and bring in the same, to wit :

By Mr. Churchill—A bill to regulate the fees of inspectors in this commonwealth.

And by Mr. Hardin—A bill authorising a lottery to erect a seminary and pave Main street in Hardinsburg.

Which were severally read the first time ; and the rule being dispensed with, they were read a second time, and the former committed to a committee of the whole house on the state of the commonwealth, and the latter to Messrs. Wickliff, Hardin, Crutcher and Harrison.

A message from the house of representatives, by Mr. Cyrus Walker :

Mr. Speaker—The house of representatives have passed a bill entitled “an act declaring part of Robertson’s creek navigable ;” in which they request the concurrence of the senate.

And then he withdrew.

The bill was read the first time ; and the rule being dispensed with, it was read a second time and ordered to be laid on the table.

A message from the house of representatives, by Mr. Rowan :

Mr. Speaker—The house of representatives have passed a bill from the senate entitled “an act to relinquish the commonwealth’s right of escheat to the estate of Ignatius Hotton-roth ;” and they have passed a bill entitled “an act for the relief of Samuel Gadberry, of Casey county,” in which they request the concurrence of the senate.

And then he withdrew.

The bill was read the first time ; and the rule being dispensed with, it was read a second time and amended at the clerk’s table, and ordered to be read a third time.

A message from the house of representatives, by Mr. Parsons :

Mr. Speaker—The house of representatives have passed a bill entitled “an act for the benefit of Catherine Cook ;” in which they request the concurrence of the senate.

And then he withdrew.

The said bill was read the first time ; and the rule being dispensed with, it was read a second time and ordered to be laid on the table.

Bills from the house of representatives of the following titles, to wit: An act for the benefit of the heirs of Samuel Galligher, deceased ; an act further to regulate the court of appeals ; and an act to allow an additional number of trustees to the Montgomery academy, and for other purposes ; were severally read, the first and second a second time and the third a third time.

The first was ordered to be read a second time, the second committed to a committee of the whole house for Thursday next.

Resolved, That the third do pass, and that the clerk inform the house of representatives thereof.

Engrossed bills, to wit: A bill for the benefit of David Prewitt ; a bill for the benefit of James S. Magowan ; a bill

for the benefit of the trustees of Harrodsburg; and a bill more effectually to prevent the destruction or removal of corner trees, stones or posts which are of record in this commonwealth; were severally read a third time.

Resolved, That the three former do pass, and that the titles be, respectively, "an act for the benefit of David Prewitt; an act for the benefit of James S. Magowan; and an act for the benefit of the trustees of Harrodsburg."

Ordered, That the clerk do carry said bills to the house of representatives and request their concurrence.

The latter bill was committed to Messrs. Owens, H. Taylor and Simrall.

The senate then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Welch in the chair; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Welch reported, that the committee had according to order had under consideration the following bills, to wit: A bill to amend an act altering the mode of taking in the list of taxable property; an engrossed bill to provide for the distribution of the acts of congress in this commonwealth; a bill laying certain banking institutions in this commonwealth under a penalty; and a bill more effectually to provide for the recovery of certain claims against the county courts of this commonwealth; had gone through the same, and made an amendment to the latter: and had adopted the following resolution:

Resolved, That the bill laying certain banking institutions in this commonwealth under a penalty, ought not to pass.

Which he handed in at the clerk's table, where they were severally twice read and the amendment concurred in.

The first bill was re-committed to Messrs. Crutcher, Bledsoe, Faulkner and Southgate; the second bill, with the resolution, were ordered to be laid on the table; the third was ordered to be engrossed as amended and read a third time.

On the motion of Mr. Owens,

Ordered, That the committee of the whole house on the state of the commonwealth be discharged from the further consideration of a bill for the benefit of Peter Simmerman, Andrew Erwin and Matthew Huling.

Mr. Owens then offered an amendment thereto, which was twice read and agreed to.

On the motion of Mr. Simrall,

Ordered, That nine o'clock be the standing hour of adjournment of the senate for the remainder of the session.

And then the senate adjourned.

TUESDAY, JANUARY 20, 1818.

The senate assembled.

Mr. Owens informed the senate that the speaker being in bad health, was unable to attend. The senate proceeded to elect a speaker *pro tem*. Whereupon Messrs. Simrall, Owens and H. Taylor were put in nomination for that office, and upon taking the vote it stood thus :

For Mr. Simrall—Messrs. Bartlett, Crutcher, Faulkner, Given, Hardin, Welch, Wickliff, Wilson and Worthington—9.

For Mr. Owens—Messrs. Bridges, Churchill, Griffin and Harrison—4.

For Mr. H. Taylor—Messrs. Barry, Bledsoe, Bowmar, Chambers, Eve, Johnson, Jones, Mason, Parks, Perrin, Southgate, R. Taylor, Thompson, Wood and Yancey—15.

Whereupon Mr. H. Taylor was declared duly elected speaker *pro tem*. for the occasion, and conducted to the chair.

A message from the house of representatives, by Mr. Baylor :

Mr. Speaker—The house of representatives have passed a bill entitled “an act for the benefit of Littleberry Bedford,” in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives, by Mr. Barr :

Mr. Speaker—The house of representatives have passed a bill entitled “an act for the benefit of the widow and heirs of George Adams, deceased ;” in which they request the concurrence of the senate.

And then he withdrew.

The senate received a message in writing from the lieutenant governor, by Mr. Waggener, containing certain nominations, to wit :

Gentlemen of the Senate,

I nominate for your advice and consent—William Byrdson, brigadier general of the 19th brigade, in place of Jonathan Ramsey, removed.

Samuel Glenn, colonel of the 84th regiment, in place of William Byrdson, if promoted.

David Scott, lieutenant colonel of the same regiment, in place of Samuel Glenn, if promoted.

Larken Collie, major of the same regiment, in place of Griffin Long, deceased.

Arthur H. Davis, colonel of the 55th regiment, in place of Edward Robinson, resigned.

John C. Dodds, lieutenant colonel of the same regiment, in place of Arthur H. Davis, if promoted.

William Wadlington, major of the same regiment, in place of John C. Dodds, if promoted.

Joseph Hughes, major of the 24th regiment, in place of Thomas Elder, promoted.

Thomas Woolfork, colonel of the 51st regiment, in place of Zeba Holt, resigned.

James Chism, colonel of the 96th regiment, in place of Henry Yeakey, resigned.

John Hamilton, lieutenant colonel of the same regiment, in place of James Chism, if promoted.

John Dickinson, major of the same regiment, in place of Nathan Wood, resigned.

William Ray, colonel of the 4th regiment, in place of Reuben Rowland, resigned.

Martin Hardin, lieutenant colonel of the same regiment, in place of William Phillips, resigned.

Robert Scott, major of the same regiment, in place of Thomas Spaulding, resigned.

James Murrell, colonel of the 6th regiment, in place of William Wade, resigned.

Gabriel Lackey, lieutenant colonel of the same regiment, in place of James Murrell, promoted.

Peter Depaw, major of the same regiment, in place of James Murrell, promoted.

Hardage Smith, brigade quartermaster of the 15th brigade, in place of Moses Jones resigned.

Robert M'Hatton, colonel of the 77th regiment, in place of James Grant, removed.

John Stone, lieutenant colonel of the same regiment, in place of Robert M'Hatton, if promoted.

Alexander Tifford, major of the same regiment, in place of John Stone, if promoted.

Andrew Combs, colonel of the 11th regiment, in place of John Christopher, deceased.

William Buford, lieutenant colonel of the same regiment, in place of Andrew Combs, if promoted.

Anderson Taylor, major of the same regiment, in place of William Buford, if promoted.

William D. Barret, brigade quartermaster of the 10th brigade, in place of William Hobson, resigned.

Benjamin Barner, brigade quartermaster of the 11th brigade, in place of Richard Curd, resigned.

Peyton Alford, colonel of the 57th regiment, in place of Edmund Perkins, resigned.

John Yantis, lieutenant colonel of the same regiment, in place of Peyton Alford, if promoted.

John A. Dunn, major of the same regiment, in place of John Yantis, if promoted.

James M'Colgan, lieutenant colonel of the 46th regiment, in place of John Ritchie, resigned.

Lemuel Wilson, major of the same regiment, in place of James M'Colgan, if promoted.

Nathaniel Morton, lieutenant colonel of the 70th regiment, in place of Thomas T. G. Warring, resigned.

Robert Lewis, major of the 39th regiment, in place of Lawrence Brazier, resigned.

Charles Caldwell, colonel of the 97th regiment, in place of Benjamin H. Reeves, resigned.

Joseph C. Frazier, lieutenant colonel of the same regiment, in place of Charles Caldwell, if promoted.

Nathaniel S. Dallam, major of the same regiment, in place of Joseph C. Frazier, if promoted.

Robert Davis, lieutenant colonel of the 66th regiment, in place of John Funkhouser, resigned.

Thomas Lindsey, major of the same regiment, in place of Robert Davis, if promoted.

George S. Browning, lieutenant colonel of the 91st regiment, in place of John Latham, removed.

Christian Orendorff, major of the same regiment, in place of George S. Browning, if promoted.

John G. Reynolds, colonel of the 72d regiment, in place of David Moore, resigned.

John Dyer, lieutenant colonel of the same regiment, in place of Ashford D. Gore, resigned.

Middleton M'Kinney, major of the same regiment, in place of John Dyer, if promoted.

Benjamin Doom, lieutenant colonel of the 2d regiment, in place of Rezin Price, who refused to serve.

James Ballard, major of the same regiment, in place of Benjamin Doom, if promoted.

William N. Robinson, lieutenant colonel of the 27th regiment, in place of Jesse Stone, resigned.

Valentine Thompson, major of the same regiment, in place of William N. Robinson, if promoted.

John C. Crume, major of the 62d regiment, in place of Rawley Williams, removed.

John Black, brigade quartermaster of the 1st brigade, in place of John Bernos, resigned.

Aquilla Smith, colonel of the 28th regiment, in place of Lewis Hawkins, resigned.

John Z. Rudd, lieutenant colonel of the same regiment, in place of Aaron Grigg, resigned.

John Dawson, major of the same regiment.

Simon R. Baker, colonel of the 69th regiment, in place of Richard Soward, promoted.

Thomas Donovan, lieutenant colonel of the same regiment, in place of Simon R. Baker, if promoted.

Jacob Myers, major of the same regiment, in place of John G. McDowell, resigned.

Thomas Stokes, lieutenant colonel of the 76th regiment, in place of John Bell, resigned.

Alexander M. Henry, major of the same regiment, in place of Thomas Stokes, if promoted.

Charles Y. Duncan, sheriff of the county of Daviess, for the residue of the term for which Benjamin Duncan was commissioned, in place of the said Benjamin, resigned.

GABL. SLAUGHTER.

January 20, 1818.

Which was ordered to be laid on the table.

The senate then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Owens in the chair; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Owens reported, that the committee had according to order had under consideration a bill from the house of representatives entitled "an act to establish several independent banks in this commonwealth," and had made some progress therein, but not having time to go through the same, had instructed him to ask leave to sit again.

A message from the house of representatives, by Mr. Underwood:

Mr. Speaker—The house of representatives have adopted the following resolution, to wit:

IN THE HOUSE OF REPRESENTATIVES, Jan. 20, 1818.

Resolved by the general assembly of the commonwealth of Kentucky, That the prices of printing be the same as those heretofore paid, according to the resolution of the legislature at the session of 1808.

Extract, &c.—Att.

R. S. TODD, C. H. R.

In which they request the concurrence of the senate.

And I am directed to inform the senate that the house of representatives are now ready to proceed by a joint vote with the senate to the election of a president and six directors to the bank of Kentucky for the present year, a treasurer and public printer.

And then he withdrew.

Ordered, That the clerk inform the house of representatives that the senate is now ready to proceed to said election.

A message from the house of representatives, by Mr. Fleming :

Mr. Speaker—I am directed to inform the senate that the following gentlemen stand on the nomination before the house of representatives to fill the respective offices, to wit :

For treasurer—John P. Thomas and Robert Johnston.

For public printers—Kendall and Russells.

For president—Robert Alexander ; and

For directors—Messrs. Willis A. Lee, Richard Taylor, jun. George M. Bibb, William Gerard, Peter Dudley, Francis P. Blair, John W. Wooldridge, William Starling, sen. Isaac Pearson, jun. Ben. Taylor, Robert S. Todd, Anthony Crockett and John H. Todd.

Ordered, That Mr. Johnson inform the house of representatives that the same gentlemen stand on nomination before the senate, for the respective offices, as reported from that house, and that Benjamin Hickman stands on nomination before the senate as director, in addition to those nominated in that house.

The senate then proceeded to the said elections, and separate votes being taken, Messrs. Simrall and Chambers were appointed a committee on the part of the senate, to co-operate with one to be appointed on the part of the house of representatives, in an examination and comparison of the different polls, and report to the respective houses the state of the joint votes ; who retired, and after some time reported that Mr. Robert Alexander had received an unanimous vote as president ; and that Messrs. Kendall and Russells were elected public printers ; and that the joint votes for treasurer and directors stood thus : For Mr. John P. Thomas 103, for Mr. Robert Johnston 9 ; for Richard Taylor, jun. 98, George M. Bibb 89, Willis A. Lee 89, William Gerard 83, Peter Dudley 86, Robert S. Todd 69, Francis P. Blair 35, John W. Wooldridge 38, William Starling, sen. 29, Ben. Taylor 19, Anthony Crockett 23, John H. Todd 10, Isaac Pearson, jun. 4, Benjamin Hickman none.

Whereupon Mr. Robert Alexander was declared unanimously elected president of the bank of Kentucky ; John P. Thomas, treasurer ; Messrs. Kendall and Russells, public printers ; and Messrs. Richard Taylor, jun. George M. Bibb, Willis A. Lee, Peter Dudley, William Gerard, and Robert S. Todd, directors.

A message from the house of representatives, by Mr. Ward :

Mr. Speaker—The house of representatives have passed a bill entitled “ an act to establish a turnpike on the road leading from the mouth of Big Sandy through the counties of Greenup and Lewis in a direction to Flemingsburg ; ” in which they request the concurrence of the senate.

And then he withdrew.

Mr. Owens, from the joint committee appointed to examine into and report the state of the auditor's office, made the following report, to wit :

The joint committee appointed by the senate and house of representatives to examine the auditor's office, have performed that duty, and report :

That all entries of warrants drawn by the auditor on the treasurer, in the year ending the 10th November last, are supported by legal vouchers ; and that the reports of the auditor to the legislature contain a correct statement of the amount of warrants drawn on the treasurer in the last year, and of the balances due the state.

The books and papers of the office are in nice and complete order ; and in the opinion of your committee, the duties of the auditor have been faithfully and honestly performed.

WILLIAM OWENS,
JOHN L. BRIDGES,
RICHARD TAYLOR, JR.
DAVID THOMSON,
JOHN ADAIR,
WILLIAM CLARK,
W. JEWELL,
WILLIAM S. HUNTER,
EDWARD R. CHEW,
MOSES WICKLIFFE,
ARCHIBALD WOODS,
JAMES HUNTER,
B. F. DUPUY,
THOMAS METCALFE.

} From the
Senate.

} From the
House of
Rep's.

Which was ordered to be laid on the table.

Mr. Wickliff, from the committee to whom was referred a bill authorising a lottery to erect a seminary and pave Main street in Hardinsburg, reported the same with amendments.

And then the senate adjourned.

WEDNESDAY, JANUARY 21, 1818.

The senate assembled.

A message from the house of representatives, by Mr. W. K. Wall:

Mr. Speaker—The house of representatives have passed a bill entitled "an act to establish a road from Newport to Cynthiana;" in which they request the concurrence of the senate.

And then he withdrew.

Mr. Southgate, from the committee to whom was referred a bill to subject the lands of non-residents to the payment of their debts in certain cases, reported an amendment in lieu thereof; which being twice read was concurred in.

Ordered, That the bill as amended be engrossed and read a third time.

Mr. Jones presented the petition of sundry stockholders of the bank of Kentucky, remonstrating against the inequality of taxation, between bank stock and other property, praying that the law may be amended so as to render the system equal, also to impose a tax on the capital of the United States banks located in this state equal to that imposed on the state bank: which was read and referred to the committee of propositions and grievances.

Mr. Bridges, from the committee appointed for that purpose, reported a bill for the benefit of Daniel A. Brewer.

The senate received a message in writing from the lieutenant governor, by Mr. Waggener, which was taken up and read as follows, to wit:

Gentlemen of the Senate,

John P. Thomas, the treasurer elect, tenders the following gentlemen as his securities for the faithful discharge of the duties of his office for the present year, to wit: James W. Hawkins, Francis P. Blair, George M. Bibb, Richard Taylor, William Starling, sen. and William S. Waller. They are submitted to you for your approbation.

I nominate for your advice and consent, Samuel Ireland, brigadier general of the 2d brigade, in place of Jacob Castleman, removed.

GABL. SLAUGHTER.

January 21, 1818.

Resolved, That the senate approve of the said securities tendered by the treasurer, and that Messrs. Chambers and Hillyer acquaint the lieutenant governor therewith.

The senate then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Faulkner in the chair; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Faulkner reported, that the committee had according to order resumed the consideration of a bill from the house of representatives entitled "an act to establish several independent banks in this commonwealth," and had gone through the same with amendments, which he handed in at the clerk's table, where the same were severally twice read and concurred in, except the second, which provided for the establishment of a bank at Danville, which was disagreed to.

The question being taken on concurring in the first amendment, which provides for the establishment of a bank at Stanford, it was resolved in the affirmative—Yeas 19, nays 13.

The yeas and nays being required by Messrs. Welch and Perrin, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Bledsoe, Bowmar, Bridges, Churchill, Eve, Griffin, Jones, Owens, Perrin, Simrall, Southgate, R. Taylor, H. Taylor, Welch, Wilson, Wood, Worthington and Yancey.

Those who voted in the negative, are, Messrs. Bartlett, Barry, Chambers, Crutcher, Faulkner, Hardin, Harrison, Hillyer, Johnson, Mason, Parks, Thompson, and Wickliff.

Mr. R. Taylor then moved to attach to said bill an amendment, providing for the establishment of a bank in Gallatin county.

And the question being taken thereon, it was decided in the affirmative—Yeas 19, nays 12.

The yeas and nays being required thereon by Messrs. R. Taylor and Perrin, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Bartlett, Bledsoe, Bridges, Churchill, Given, Griffin, Hardin, Hillyer, Jones, Owens, Perrin, Simrall, Southgate, R. Taylor, H. Taylor, Wilson, Wood, Worthington and Yancey.

Those who voted in the negative, are, Messrs. Barry, Bowmar, Chambers, Crutcher, Eve, Faulkner, Harrison, Johnson, Mason, Parks, Thompson and Wickliff.

Mr. Bowmar then moved to attach to said bill the following section as an amendment, to wit :

That a bank be established at the town of Winchester, denominated the Winchester Commercial Bank, with a capital stock of two hundred thousand dollars, to be divided into two thousand shares of one hundred dollars each ; and that books be opened for subscription of the stock of said bank under the direction of Thomas R. Moore, James Cartwright, William Poston, Thomas Jones, Benjamin Buckner and Jonathan T. Berry, or a majority of them, and to continue said books open for sixty days, unless the shares are sooner taken up.

And the question being taken thereon it was decided in the negative—Yeas 13, nays 18.

The yeas and nays being required thereon by Messrs. Bowmar and Parks, were as follows, to wit :

Those who voted in the affirmative, are, Messrs. Bledsoe, Bowmar, Churchill, Given, Griffin, Jones, Perrin, Southgate, R. Taylor, H. Taylor, Welch, Worthington and Yancey.

Those who voted in the negative, are, Messrs. Bartlett, Barry, Bridges, Chambers, Eve, Faulkner, Hardin, Harrison, Hillyer, Johnson, Mason, Owens, Parks, Simrall, Thompson, Wickliff, Wilson and Wood.

And so the said amendment was rejected.

The said bill being further amended at the clerk's table, was read a third time as amended.

And the question being taken on the passage thereof, it was resolved in the affirmative—Yeas 26, nays 6.

The yeas and nays being required thereon by Messrs. Jones and Owens, were as follows, to wit :

Those who voted in the affirmative, are, Messrs. Bartlett, Barry, Bledsoe, Bowmar, Bridges, Chambers, Churchill, Crutcher, Eve, Faulkner, Hardin, Harrison, Hillyer, Johnson, Mason, Owens, Parks, Perrin, Simrall, Southgate, R. Taylor, Thompson, Wickliff, Wilson, Wood and Yancey.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Given, Griffin, Jones, H. Taylor, Welch and Worthington.

Resolved, That the said bill as amended do pass, and that the title be amended to read "an act to establish independent banks in this commonwealth."

Ordered, That the clerk inform the house of representatives thereof, and request their concurrence in said amendments.

Mr. Owens, from the committee to whom was referred an engrossed bill more effectually to prevent the destruction or removal of corner trees, stones or posts which are of record in this commonwealth, reported the same with an amendment.

And then the senate adjourned.

THURSDAY, JANUARY 22, 1818,

The senate assembled.

The Speaker appeared and took the chair.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Bowmar—A bill concerning the town of Versailles.

On the motion of Mr. Chambers—A bill for the benefit of the widow and heirs of Sanford Carrol, deceased.

And on the motion of Mr. Bledsoe—A bill directing the disposition of the estate of persons dying intestate without heirs and leaving a wife or husband.

Ordered, That Messrs. Bowmar, Griffin, Bledsoe and Worthington prepare and bring in the first; Messrs. Chambers, Crutcher and Wilson, the second; and Messrs. Bledsoe, Hillyer, Perrin, Southgate and Wood, the third.

A message from the house of representatives, by Mr. Thompson:

Mr. Speaker—The house of representatives have passed bills from the senate of the following titles: An act to amend the act entitled an act for the benefit of the infant heirs of Edmund Taylor, deceased, of Campbell county; an act for the relief of the late sheriff of Warren county; an act to amend the act entitled an act authorising the sale of part of the public square in the town of Harrodsburg, and an act supplemental thereto, with amendments to the latter: and they concur in the amendments offered by the senate to bills entitled, an act to vest certain powers in the county court of Shelby, and an act for the purpose of allowing an additional number of justices of the peace to certain counties in this commonwealth, with amendments to those proposed to the latter; in which amendments they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives, by Mr. Gholson :

Mr. Speaker—The house of representatives have passed a bill entitled “an act for the benefit of Elizabeth Martin and Betsey Cromeau ; in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives, by Mr. White :

Mr. Speaker—The house of representatives have passed a bill entitled “an act more effectually to prevent the escape of fugitive slaves from this commonwealth ;” in which they request the concurrence of the senate.

And then he withdrew.

The nominations of officers made on the 20th inst. were severally taken up and read.

Resolved, That the senate advise and consent to the said nominations, except that of Thomas Stokes, lieutenant colonel of the 76th regiment, which is rejected ; and those of William Ray, colonel of the 4th regiment ; Martin Hardin, lieutenant colonel of the same regiment ; John Yantis, lieutenant colonel of the 57th regiment ; John A. Dunn, major of the same regiment ; James M’Colgan, lieutenant colonel of the 46th regiment ; Lemuel Wilson, major of the same regiment ; and Alexander M. Henry, major of the 76th regiment ; which were laid on the table : and the nomination of Peyton Alford, colonel of the 57th regiment, which was committed to Messrs. Faulkner, Welch, Southgate and Harrison.

The nomination of Samuel Ireland, as brigadier general of the 2d brigade, made on yesterday, was taken up and committed to Messrs. Simrall, Bartlett, Faulkner, Hardin, Owens and Thompson.

A message from the house of representatives, by Mr. J. T. Jolinson :

Mr. Speaker—The house of representatives have passed a bill entitled “an act for the benefit of Samuel Teer and John Jacobs,” in which they request the concurrence of the senate.

And then he withdrew.

Mr. Barry, from the joint committee appointed to examine and report the state of the penitentiary, also the books and accounts thereof, made the following report, to wit :

The joint committee appointed to examine the condition of the Kentucky Penitentiary, having performed the duty assigned to them, respectfully report :

That on the 11th February 1817, when, according to the provisions of the law passed at the last session of the general assembly, an inventory was made of the actual situation of the affairs of the institution, there were on hand,

Raw materials to the amount of	\$ 1,470 75
Manufactured articles do.	4,934 53
Debts due to the institution,	22,922 73

29,328 01

Debts due from the institution,	3,242 89
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Nominal worth of the institution,	\$ 26,082 12
From the 11th of February to the 1st of Oct. the keeper manufactured	\$ 22,540 78
Raw materials consumed,	13,333 21

Gross profits,	\$ 9,207 57
From which deduct for clothing	\$ 120 76
Dieting,	1,570 79
Fuel,	614 31
Guards,	540 67
Contingent expences,	808 62
Agent and keeper's compensation,	1622
	5,277 15

Nett profits, \$ 3,930 49

The keeper in his report states this sum to be \$ 408 more, part of the contingent expences not consumed.

The keeper has expended, from the 11th Feb. to the 1st Oct. for raw materials,	\$ 23,393 22
Expences of the institution,	3,655 15
Debts paid,	3,228 71

\$ 30,277 08

He has received from the treasury during that period,

Advanced by him,	11,757 08
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Sales from the 11th Feb. to the 1st Oct.

For cash,	3,075 21
On credit,	9,294 38

Total,	\$ 12,269 59
Debts due to individuals on the 11th February,	3,245 89
Do. paid by the keeper,	3,228 71

Unpaid, \$ 17 18

Loans by the government.

Drawn from the treasury by the keeper, on the orders of the acting governor,	\$ 18,520
Commission to agent and keeper,	1,622
	<hr/>
	20,142
Paid by him into the treasury,	10,230 87
	<hr/>
Due to the state,	\$ 9,911 13
The agent has been charged with manufactured articles received on the 11th February,	\$ 4,934 53
Do. received from 11th Feb. to the 1st of Oct.	22,446 24
Advance price on articles retailed,	94 54
	<hr/>
	\$ 27,475 31
Debts received by the agent on the 11th Feb.	22,922 73
Cost received on suits,	91 31
Interest received,	12 52
	<hr/>
	\$ 50,501 87
He is credited by cash paid into the treasury from 11th Feb. to the 1st of Oct. for debts collected,	7,051 83
Sales,	\$ 3,075 21
Costs on suits,	91 31
Interest,	12 02
Costs paid,	52 62
Manufactured articles on hand 1st Oct.	15,105 72
Debts due to the penitentiary 1st Oct.	25,112 66
	<hr/>
	\$ 50,501 87
	<hr/>
Raw materials on hand 1st Oct.	\$ 11,530 76

From the preceding statement, it appears that the worth of the institution, on the 11th February, was about \$ 26,000; and the nett profits from that time until the 1st October, (a period of less than 8 months) were about \$ 4000. The value on the 1st Oct. may therefore be estimated at about \$ 30,000—a result which corresponds with the difference between the sums drawn from the treasury for that institution during that period, and the amount of raw materials and manufactured articles on hand, and the debts due upon the 1st Oct. 1817.

It seems, however, that \$ 21,668 21 more have been drawn from the treasury than paid into it by that institution, during this period, though its nominal worth on the 11th Feb. was \$26,000, and the nett profits were \$4000. While, therefore, it holds out the idea of being a profitable establishment, it is constantly diminishing the public revenue. This unfavorable result, in the opinion of the committee, is to be ascribed chiefly to the tardiness which attends the sale of the manufactured articles, and the collection of the debts created by those sales. It would appear that three-fourths of the amount of sales from the 11th February to the 1st October, have been upon credit, and that the amount of articles manufactured during that period has been nearly double the amount of sales. The nett expences of the establishment, (exclusive of raw materials) have been nearly double the amount of sales for cash. These circumstances conclusively show that the institution, under its present organization and management, in relation to its fiscal concerns, is a burthen to the state.

As to the employment of the convicts, there are engaged in the cut nail factory,

Wrought do.	12
Blacksmiths department.	7
Shoe do.	4
Chair do.	7
Stone cutting do.	5
Cooking and washing department.	6
Unfit for duty, in consequence of breast complaints,	2
	3

Total, 46

Cells occupied by convicts. 15

Upon an inspection of the buildings connected with the institution, the committee find that they are not sufficiently spacious, either as it regards the apartments or the limits contained within the walls. The latter are only 190 feet long and 18 feet high; and from their height, as well as from decay, are insecure. The cells are confined in their limits, and in their construction unsafe. They contain upon an average three convicts, though some of them are occupied by four; while even in the winter season, they should not be occupied by more than two, whether regard be had to the health of the convicts or the facilities afforded for escaping, where many are confined in the same room.

The present establishment has been erected upon a low and wet situation—in some seasons the water is two feet deep on

the north, east and south side of the walls, and by reference to the annexed draft marked (A), it will appear that from the shape of the ground attached to the institution, it will be inconvenient, if not impracticable, to extend either the walls or the buildings. Under existing circumstances, the committee believe that the buildings and walls may for a few years answer the purposes for which they were erected; during which time, they would recommend, that, from the surplus manufactured articles, and occasional supplies from the treasury, arrangements be made for the location of the penitentiary upon the bank of the river, either in North or South Frankfort; and for that purpose, that the executive be authorised to purchase lots, cheaper and more extensive, and cause to be erected upon them, with convenient dispatch, buildings calculated to meet the design of the institution half a century hence. The propriety of such a location, is enforced by the consideration that fuel is an important article of consumption in the institution; and wood or coal may be delivered more easily, and with less expence, immediately upon the bank of the river. Besides, the workshops would then be more contiguous to the raw materials of many of the articles manufactured in them. Whenever another building could be prepared to receive the convicts, the present establishment, containing about 8 acres, would readily command (for sundry manufacturing purposes) \$20,000; which would go far towards reimbursing the state for any monies advanced in erecting the new building.

This institution was founded on views of the most enlightened humanity, and of the most enlarged philanthropy. It seems, therefore, to this committee, a matter no less of regret than of surprize, that there should be found upon the code of our laws an act sentencing those who escape and are retaken to additional confinement. This law is cruel and unjust in its operation, unless the cells and walls are made more secure, or the number and pay of the guards are increased. The present pay of a guard is \$240 per annum; and as boarding cannot be procured at less than \$150, it is found extremely difficult to engage respectable men in this business. The number also should be increased, as they are now compelled to be on duty four hours at a time. An extension of the passage to the back yard might, however, in some measure remedy this difficulty.

A reference to the report of the state of the institution at the last session of the general assembly, will show that the nominal worth of it was about \$29,000; the nett profits of

the establishment, according to the report made at this session, were about \$4000; and yet the nominal worth on the 1st October last, is estimated at \$30,000; and as the total worth arises from the amount of the nett profits annually, it would seem to be proper that the present value should be \$33,000. This difference is explained by the keeper, in consequence of the following disbursements, to wit: for the building of a brick shop for the nail factory—the expenses charged to the penitentiary for repairs by the blacksmiths and shoemakers, and the reduced price at which sundry manufactured articles were sold.

All which is respectfully submitted.

W. T. BARRY,

JA. SIMRALL,

HUMPHREY JONES,

C. S. TODD,

J. B. THOMPSON,

DAVID WHITE, JUN.

} Committee on
the part of
the Senate.

} Committee on
the part of the
house of rep's

Which was read and ordered to be laid on the table.

The nomination of John Thompson, as agent of the penitentiary, was taken up and read.

And the question being taken on advising and consenting thereto, it was resolved in the negative—Yeas 12, nays 19.

The yeas and nays being required thereon by Messrs. Johnson and Chambers, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Bartlett, Churchill, Crutcher, Eve, Griffin, Harrison, Mason, Southgate, R. Taylor, Welch and Wilson.

Those who voted in the negative, are, Messrs. Barry, Bledsoe, Bowmar, Bridges, Chambers, Faulkner, Given, Hardin, Hillyer, Johnson, Jones, Parks, Perrin, Simrall, H. Taylor, Wickliff, Wood, Worthington and Yancey.

Resolved, That the senate do not advise and consent to said nomination.

Ordered, That Messrs. Faulkner, Chambers and Jones acquaint the lieutenant governor therewith.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Johnson—A bill to repeal in part an act concerning the estate of Richard Young, deceased.

On the motion of Mr. Crutcher—A bill to compel the agent of the penitentiary to reside in Frankfort or its vicinity.

And on the motion of Mr. Johnson—A bill to regulate the proceedings of the banks in this commonwealth.

Ordered. That Messrs. Johnson, Bledsoe and Wood prepare and bring in the first; Messrs. Crutcher, Barry and Faulkner, the second; and Messrs. Johnson, Barry and Bledsoe, the third.

And after a short time, Mr. Crutcher, from the second committee, and Mr. Johnson, from the third, severally reported bills; which were severally read the first time.

The rule being dispensed with, the latter was read a second time and ordered to be engrossed and read a third time. The former was ordered to be read a second time.

The following bills were reported from the respective committees appointed to prepare and bring in the same, to wit:

By Mr. Barry—A bill appointing commissioners to superintend the public roads in Fayette county.

And by Mr. Bowmar—A bill concerning the town of Versailles.

Which were severally read the first time; and the rule being dispensed with, they were severally read a second time, and the former committed to a committee of the whole house, and the latter ordered to be engrossed and read a third time.

A message from the house of representatives, by Mr. Barr:

Mr. Speaker—The house of representatives have adopted an address to the acting governor for the removal of David Logan, a justice of the peace for Fayette county; in which they request the concurrence of the senate.

And then he withdrew.

The report of the committee and address were then taken up and read as follows, to wit:

IN THE HOUSE OF REPRESENTATIVES, Jan. 17, 1818.

The select committee to whom was referred the petition of Francis Moore, praying an enquiry into the conduct of David Logan, a justice of the peace for the county of Fayette, respectfully report:

That they have discharged the duties assigned to them, by causing a summons to be served on said Logan to appear before them on a given day, annexing thereto a copy of the charges alleged against him; by furnishing both the prosecutor and the accused with such subpoenas as they respectively applied for, and diligently examining all the testimony produced before them; at the same time inserting upon the record of their proceedings the testimony of the witnesses, and informing the accused that he was permitted by himself or counsel to cross-examine every witness introduced

by the prosecutor, and after their testimony was noted, to introduce his own; permitting his counsel to insert on the record such bills of exception to the proceedings had as they might deem to be necessary: and as it has been customary to hear counsel in such cases at the bar of the house, and with a view to avoid a procrastination of the enquiry to an advanced period of the session, which would preclude it, the committee decided that they would not hear counsel in debate. After which, the sergeant-at-arms of this house, pursuant to the directions of the committee, informed the accused that he would be allowed those privileges; but both he and his counsel ceased to attend their meetings.

The committee further report, that the testimony of the witnesses examined before them is hereto annexed, together with some records produced by the clerks of the Woodford, Fayette and Harrison circuit courts, by Oliver Keen, Esq. a justice of the peace for Fayette county, and by Edward Welsh, a constable of said county, by virtue of subpoenas *duces tecum*, issued by the order of this committee.

The first charge made against the accused is that of perjury. The testimony produced in support of it, is, in substance, as follows: That whilst a suit was pending in the Fayette circuit court between said Logan and a certain Levi Outen, the former received a notice from the latter about the 16th day of March 1812, that he would apply to Judge Davidge on the 27th of said month, at the house of Daniel Weisiger in Frankfort, for a change of venue in said suit; who ordered the same to be removed to the Woodford circuit court, where it was tried at the June term following: that said Logan, with a view to obtain a new trial in said suit, did afterwards, that is to say, on the 11th day of June 1812, make oath that he had no notice that application would be so made to Judge Davidge for a change of venue in said case; and not succeeding in his motion for a new trial, he afterwards, that is to say, on the 6th day of July following, made oath to a bill in chancery which set forth that "he never had notice of any kind that application would be made for a change of venue" in said case. And previous to this application for a new trial, said Logan appears to have filed another bill in the Harrison circuit court, hereto annexed, marked C, in which he admits that he had received the said notice, marked B, under which the said suit was removed from Fayette to Woodford, and which he stated in the affidavit and first bill in chancery herein mentioned that he had not received.

The committee do not feel disposed to judge and report harshly as to the conduct of the accused. But they are compelled to state it as their opinion, that he has been guilty of willful and corrupt perjury.

In relation to the second charge, that of altering a warrant issued on his application by another justice of the peace for said county, the committee are of opinion that he is guilty of the same: and they consider it as their duty to remark, that if such practices are sanctioned by the legislature, and public officers escape punishment who are found guilty of them, the public records of our state will cease to have any credit, either at home or abroad.

The third charge referred to the committee is considered as of the first importance: that is, that the accused issued a warrant at his own suit and sat in judgment, and issued an execution thereon in his own favor, which is supported by the testimony of the witnesses examined in relation to it. And here the committee beg leave to remark, that one of the great, primary and paramount duties of a judge, is to decide all causes impartially which come before him: that it is a maxim of law, as well as of common sense, that no man ought to sit as a judge in his own cause; and that whenever a judge assumes a power of this nature, he shews himself to be alike destitute of those delicate and honorable feelings which the public respect, and is therefore unworthy the office which he holds.

The fourth charge is for taking illegal and exorbitant fees; of which the committee find he is guilty in many instances.

Under the general prayer of the petition for an enquiry into the conduct of the accused, they have examined witnesses as to his general character; which they find to be bad and disreputable, whether as a private citizen or as a public magistrate. The committee on this head will remark, that they think the public justice of the state should be administered by men who are not only of pure, but of unsuspected character; and that whenever a magistrate is stamped with a bad fame, and a character so odious that the public cease to entertain respect for his official acts, he should be removed from office.

Wherefore, the committee report for consideration the following resolution and address:

Resolved by the general assembly of the commonwealth of Kentucky, (two thirds of each branch thereof concurring therein) That David Logan a justice of the peace in and

for the county of Fayette, ought to be removed from office, and that the following address be presented to the acting governor, in order that his removal may be effected.

To the acting governor of the commonwealth of Kentucky.

According to the provisions of the constitution, the senate and house of representatives (two thirds of the members of both houses concurring therein) present you this address requiring you to remove from office David Logan a justice of the peace in and for the county of Fayette, for the following causes, which they have caused to be stated at length on the journals of their respective houses :

1. That the said David Logan, whilst he held the commission of a justice of the peace as aforesaid, and a suit was pending in the Fayette circuit court between him and a certain Levi Outen, did receive a notice from the latter about the 16th of March 1812, that he would apply to Judge Davidge on the 27th of said month, at the house of Daniel Weisiger in the town of Frankfort, for a change of venue in said suit, who ordered the same to be removed to the Woodford circuit court, where it was tried at the June term following : that said Logan afterwards, that is to say, on the 11th day of June 1812, with a view to obtain a new trial in said suit, did make oath that he had no notice that application would be so made to Judge Davidge ; and not succeeding in his motion for a new trial, he afterwards made oath to a bill in chancery which set forth, that " he never had notice of any kind that application would be made for a change of venue " in said case. And previous to these applications for a new trial, Logan filed another bill in the Harrison circuit court, to which he made oath that he had received the said notice : from which circumstances the senate and house of representatives infer that the said Logan has been guilty of perjury.

2. That the said Logan was guilty of issuing a warrant in his own name, of trying the same, of giving judgment and issuing an execution in his own favor, which was served on the defendant, and the money collected thereon.

3. That said Logan, whilst a justice of the peace as aforesaid, did alter a peace warrant issued on said Logan's application, by Samuel Blair, Esq. another justice of the peace for said county, and cause the same to be returned before another justice of the peace, on which proceedings were had, and taken up to the Fayette circuit court.

4. That said Logan has been in the practice of taking exorbitant and illegal fees as a magistrate; and his character as a man and as a magistrate is disreputable.

Extract. &c.

Twice read and concurred in, 74 members voting therefor.

Att.

R. S. TODD, C. H. R.

Ordered, That the report of the committee, address and documents, be referred to a committee of the whole house on the state of the commonwealth for to-morrow, and that said Logan have leave to appear before the committee either in person or by counsel.

Ordered, That the committee of the whole house on the state of the commonwealth be discharged from the further consideration of all the bills committed to them, except a bill appointing commissioners to superintend the public roads in Fayette county, and a bill from the house of representatives entitled an act further to regulate the court of appeals.

Mr. Owens presented the petition of John Christian, of Clark county, representing that he is blind and extremely poor; that he is related to John H. Christian, deceased, who by will directed the surplus of his estate, above \$ 5000, after satisfying the legacies, to be applied to charitable uses; that the surplus is small, and that the near relations of the deceased are desirous that it should be paid to the petitioner; and praying that a law may be passed directing the administrators of the deceased to pay him said surplus money.

Which was read, and with the accompanying documents referred to the committee for courts of justice.

Bills from the house of representatives, to wit: An act for the benefit of the heirs of Samuel Galligher, deceased; and an act for the benefit of Littleberry Bedford; were severally read, the former a third time and the latter the first time.

Resolved, That the former bill do pass, and that Mr. Parks inform the house of representatives thereof.

And the rule being dispensed with, the latter bill was read a second time and ordered to be read a third time.

A bill from the house of representatives entitled "an act for the benefit of Catherine Cook," was taken up and the proposed amendment agreed to.

The bill was further amended at the clerk's table, and read a third time.

Resolved, That the said bill as amended do pass, and that the title be amended to read "an act for the benefit of Catherine Cook and others."

Ordered, That Mr. Owens inform the house of representatives thereof, and request their concurrence in said amendments.

A bill for the benefit of Daniel A. Brewer, was read the first time; and the rule being dispensed with, it was read a second time and ordered to be engrossed and read a third time.

A resolution for the encouragement of domestic manufactures, laid on the table the 19th of December, was taken up, and Mr. Barry offered the following amendment to the resolution, to wit:

Resolved, That it be recommended to all officers of government of this state, and the members of the senate and house of representatives of this state in congress, to clothe themselves (especially when acting in their public capacities) in the manufactured goods of our own country; and to use all practicable means to introduce them into domestic and general use, in preference to those of foreign importation.

Which was twice read and agreed to; and the resolution was then as amended unanimously adopted.

Ordered, That Mr. Barry acquaint the house of representatives therewith, and request their concurrence.

A message from the house of representatives, by Mr. J. T. Johnson:

Mr. Speaker—The house of representatives disagree to some of the amendments proposed by the senate to a bill entitled "an act to establish several independent banks in this commonwealth," and concur in the others with amendments, in which they request the concurrence of the senate.

And then he withdrew.

The said amendments were then taken up and concurred in.

Resolved, That the senate recede from their amendments which were disagreed to by the house of representatives.

Ordered, That Mr. Simrall inform the house of representatives thereof.

And then the senate adjourned.

FRIDAY, JANUARY 23, 1818.

The senate assembled.

Mr. Yancey, from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, to wit: An act to legalise the proceedings of the county court of Logan at their December term 1817; an act adding a part of Floyd county to the county of Bath; an act to alter the times of holding the Casey circuit and county courts; an act authorising the clerks of the court of appeals, general court and county courts to receive acknowledgments or proofs of powers of attorney; an act to amend an act entitled an act to regulate the town of Scottsville, and for other purposes; an act to allow an additional number of trustees to the Montgomery academy, and for other purposes; an act for the benefit of Elizabeth Griffin, and for other purposes; an act to authorise the sale of part of the public ground in Morgantown; and had found the same truly enrolled.

A message from the house of representatives, by Mr. Trigg:

Mr. Speaker—The house of representatives have passed a bill entitled “an act to amend the act authorising a road from Estill court-house by the Goose creek salt-works, and for other purposes;” in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives, by Mr. Cunningham:

Mr. Speaker—The house of representatives have passed a bill entitled “an act to declare Rough creek a navigable stream from its mouth to Sebastian’s mill;” in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives, by Mr. Roberts:

Mr. Speaker—The house of representatives have passed a bill entitled “an act authorising the sale of part of the real estate of the heirs of Nathaniel Drake, deceased;” in which they request the concurrence of the senate.

And then he withdrew.

Mr. Chambers, from the committee appointed for that purpose, reported a bill for the benefit of the widow and heirs of Sanford Carroll, deceased; which was read the first time,

and the rule being dispensed with it was read a second time and ordered to be engrossed and read a third time.

Mr. Wickliff presented the petition and resolutions of sundry citizens of Springfield, in Washington county, praying that an independent bank may be established there; which was read and referred to Messrs. Wickliff, Harrison, Owens and Griffin, who have leave to report by bill or otherwise.

And after a short time, Mr. Wickliff, from said committee, reported a bill to establish an independent bank at Springfield; which was read the first time and ordered to be read a second time.

Mr. Barry presented the petition of the subscribers to the Lexington Athenæum, praying an act of incorporation; which was read and referred to Messrs. Barry, Bledsoe and Bridges, who have leave to report by bill or otherwise.

A message from the house of representatives, by Mr. Barr :

Mr. Speaker—The speaker of the house of representatives having signed sundry enrolled bills, I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

Whereupon the speaker signed said bills, being the same reported to-day by Mr. Yancey, and they were delivered to the joint committee of enrolments, to be presented to the lieutenant governor for his approbation.

The senate then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Owens in the chair; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Owens reported, that the committee had according to order had under consideration a resolution and address by the house of representatives to the acting governor for the removal of David Logan, a justice of the peace for Fayette county, and had made some progress therein, but not having time to go through the same, had instructed him to ask leave to sit again.

Engrossed bills, to wit : A bill to repeal in part an act concerning the estate of Richard Young, deceased; and a bill for the benefit of Daniel A. Brewer; were severally read a third time.

Resolved, That the said bills do pass, and that the titles be, respectively, "an act to repeal in part an act concerning the estate of Richard Young, deceased;" and "an act for the benefit of Daniel A. Brewer."

Ordered, That Mr. Johnson do carry said bills to the house of representatives, and request their concurrence.

A bill from the house of representatives entitled "an act to establish a road from Newport to Cynthiana," was read the first time.

And the rule being dispensed with, it was read a second time and ordered to be read a third time.

Mr. Welch presented the following petition and affidavit :
To the honorable the Senate.

The counsel of David Logan, shew, that they appeared before the select committee of the lower house, and were desirous to offer testimony, as well as to represent their client in every respect : that they were, as they conceived, deprived of the usual privileges extended to counsel in similar cases, and, as they believe, secured to their client by the constitution : that they, believing that they would be enabled to defend their client before either branch of the legislature, and that an opportunity would be allowed them to take their testimony, and to meet the examination of the witnesses for the accused, where they would be allowed the usual, and as they believe, the constitutional privilege of counsel, they made no effort before the committee ; but when the committee reported, they by their remonstrance to the lower house stated the proceedings of the committee, and solicited that body to devise the proper mode of trial by which the accused could be heard through his counsel. No order in relation to their memorial was made by that body, other than to commit the paper to the committee of the whole, who, as they understand, reported without amendment ; which report was concurred in by the house, &c. Your memorialists were and are still desirous that an opportunity should be offered them to offer the evidence and make their defence ; and with that view solicited several members of your body to obtain of your body the privilege of appearing, to obtain that object, and with that view they understood the case was committed to a committee of the whole ; but they are now informed that that committee will not have the power of deciding upon the expediency of affording an opportunity of taking new testimony. They therefore hope to be heard at the bar of the house. It is there they should be heard, with a view to obtain leave to have additional testimony taken, &c.

ROBERT WICKLIFFE.

David Logan makes oath, that he was ready with most of his witnesses to defend himself against the charges exhibited against him by Francis Moore, and was proceeding with

the trial, when, as his counsel informed him, they could not proceed any farther in his defence before that committee, owing to the committee refusing to permit the counsel to offer their views to the committee upon any point that might arise in the progress of the trial: that he rested his case with his counsel; that he withdrew his testimony with no view of defeating a trial, but with a hope that the legislature of his country would give him an opportunity some where to be heard by his counsel and offer his testimony. He states that he has several witnesses and papers which he deems material, by which he believes he will be able to repel many of the material charges, and he thinks so explain others as to remove the criminal impressions which are made against him. He prays the senate to afford him the opportunity of making his proof and defence, and not to condemn him upon evidence taken all on one side, and mostly in his absence.

DAVID LOGAN.

Sworn to before me, this 23d January 1818.

O. G. WAGGENER.

Which were read; whereupon the said Logan was permitted to appear with counsel at the bar of the senate, and be heard accordingly.

On the motion of Mr. Simrall,

Ordered, That the committee of the whole house on the state of the commonwealth be discharged from a further consideration of the resolution and address by the house of representatives to the acting governor, for the removal of David Logan, a justice of the peace for Fayette county.

And then the senate adjourned.

SATURDAY, JANUARY 24, 1818.

The senate assembled.

Mr. Yancey, from the joint committee of enrolments, reported that the committee did on yesterday present to the lieutenant governor for his approbation, the enrolled bills signed on yesterday; and that they had examined an enrolled bill entitled "an act to establish independent banks in this commonwealth," and had found the same truly enrolled.

Mr. Owens presented the petition of sundry citizens of Mercer county, praying that a law may be passed to rescind an order of the Mercer county court for building a new

court-house in said county ; which was read and referred to the committee for courts of justice.

Mr. Bowmar, from the committee to whom was referred a bill providing for a change of venue in the case of Newett Pennington and William M'Donald, reported the same with amendments, which were severally read and concurred in.

Ordered, That the bill as amended be engrossed and read a third time.

A message from the house of representatives, by Mr. Fleming :

Mr. Speaker—The house of representatives have passed bills of the following titles : An act giving certain powers to the county courts of this commonwealth ; an act for the benefit of John Winders and John Evans ; and an act authorising the appointment of trustees in the town of Germantown ; in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives, by Mr. Baylor :

Mr. Speaker—I am instructed by the house of representatives to inform the senate that they have passed a bill authorising certain lotteries, the lieutenant governor's objections notwithstanding—a majority of all the members elected voting therefor ; and am also instructed to lay the said bill and objections before the senate, and request them to take a similar vote.

And then he withdrew.

A message from the house of representatives, by Mr. Haynes :

Mr. Speaker—The house of representatives have passed a bill from the senate entitled "an act for the benefit of Alexander Armstrong and Augustine Clayton."

And then he withdrew.

A message from the house of representatives, by Mr. Beall :

Mr. Speaker—The house of representatives disagree to a bill from the senate entitled "an act concerning the court of appeals ;" and they have passed a bill entitled "an act to establish and regulate the town of Fairfield, in Nelson county," in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives, by Mr. Sharpe :

Mr. Speaker—The house of representatives have passed a bill from the senate entitled "an act to repeal all acts or parts of acts declaring Drake's creek, in Warren county, a navigable stream."

And then he withdrew.

A message from the house of representatives, by Mr. Barr :

Mr. Speaker—The speaker of the house of representatives having signed an enrolled bill entitled "an act establishing independent banks in this commonwealth." I am instructed to lay the same before the senate for the signature of their speaker.

And then he withdrew.

Whereupon the speaker signed said bill, and it was delivered to the joint committee of enrolments, to be presented to the lieutenant governor for his approbation. And after a short time, Mr. Yancey, from said committee, reported that they had performed that duty.

A message from the house of representatives, by Mr. C. Walker :

Mr. Speaker—The house of representatives concur in the amendments proposed by the senate to a bill entitled "an act for the benefit of Catherine Cook," with amendments, in which they request the concurrence of the senate.

And then he withdrew.

The consideration of the address by the house of representatives to the acting governor for the removal of David Logan, a justice of the peace for Fayette county, was taken up, and the said Logan by his counsel fully heard, who then retired from the bar of the senate.

Mr. Owens offered the following resolution, to wit :

Resolved by the senate, That the evidence and exhibits filed and referred to in the resolution from the house of representatives, against David Logan, a justice of the peace in and for Fayette county, have been irregularly taken, and ought not to be received by the senate.

The speaker decided it out of order : whereupon Mr. Owens appealed from the decision of the chair ; and the question being put upon the appeal, it was resolved that the decision was correct—Yeas 24, nays 7.

The yeas and nays being required by Messrs. Owens and Griffin, were as follows, to wit :

Those who voted in the affirmative, are, Messrs. Bartlett, Barry, Bledsoe, Bowmar, Chambers, Crutcher, Eyer, Faulkner, Given, Hardin, Hillyer, Johnson, Jones, Mason,

Parks, Perrin, Southgate, R. Taylor, H. Taylor, Thompson, Wilson, Wood, Worthington and Yancey.

Those who voted in the negative, are, Messrs. Bridges, Churchill, Griffin, Harrison, Owens, Welch, and Wickliff.

The first charge in the address was amended by striking out the word "perjury," and inserting in lieu thereof the words "false swearing."

The question was then taken on agreeing to the first charge as amended, and it was resolved in the negative—Yeas 15, nays 15.

The yeas and nays being required thereon, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Bartlett, Barry, Bledsoe, Crutcher, Eve, Hardin, Hillyer, Johnson, Jones, Mason, Perrin, Simrall, Thompson, Wilson and Yancey.

Those who voted in the negative, are, Messrs. Bowmar, Bridges, Chambers, Churchill, Faulkner, Given, Griffin, Harrison, Owens, Parks, Southgate, R. Taylor, Welch, Wickliff and Wood.

The vote being equal, the speaker, agreeably to the rule of the senate, declared the said charge disagreed to.

The question was then taken on agreeing to the second charge, and it was resolved in the affirmative—Yeas 21, nays 10.

The yeas and nays thereon were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Barry, Bledsoe, Bowmar, Crutcher, Eve, Given, Hardin, Hillyer, Johnson, Jones, Mason, Parks, Perrin, Simrall, Southgate, R. Taylor, H. Taylor, Thompson, Welch, Wilson and Yancey.

Those who voted in the negative, are, Messrs. Bartlett, Bridges, Chambers, Churchill, Faulkner, Griffin, Harrison, Owens, Wickliff and Wood.

The question was then taken on agreeing to the third charge, and it was resolved in the affirmative—Yeas 28, nays 2.

The yeas and nays thereon were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Bartlett, Barry, Bledsoe, Bowmar, Bridges, Chambers, Churchill, Crutcher, Eve, Faulkner, Given, Griffin, Hardin, Harrison, Hillyer, Johnson, Jones, Mason, Parks, Perrin, Simrall, Southgate, R. Taylor, H. Taylor, Thompson, Welch, Wood and Yancey.

Those who voted in the negative, are, Messrs. Owens and Wickliff.

The question on the fourth charge being divided, the vote was taken on agreeing to the first member thereof, which is in these words, to wit: "That said Logan has been in the practice of taking exorbitant and illegal fees as a magistrate."

And it was resolved in the affirmative unanimously.

Those who voted, were, Messrs. Bartlett, Barry, Bledsoe, Bowmar, Bridges, Chambers, Churchill, Crutcher, Eve, Faulkner, Given, Griffin, Hardin, Harrison, Hillyer, Johnson, Jones, Mason, Parks, Perrin, Simrall, Southgate, R. Taylor, H. Taylor, Thompson, Welch, Wickliff, Wilson, Wood and Yancey.

The question was then taken on agreeing to the second member of the fourth charge, which is in these words: "And his character as a man and as a magistrate is disreputable."

And it was resolved in the affirmative unanimously.

Those who voted, were, Messrs. Bartlett, Barry, Bledsoe, Bowmar, Bridges, Chambers, Churchill, Crutcher, Eve, Faulkner, Given, Griffin, Hardin, Harrison, Hillyer, Johnson, Jones, Mason, Parks, Perrin, Simrall, Southgate, R. Taylor, H. Taylor, Thompson, Welch, Wickliff, Wilson, Wood and Yancey.

The question was then taken on adopting the resolution and address as amended, and it was resolved in the affirmative—Yeas 28, nays 2.

The yeas and nays thereon were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Bartlett, Barry, Bledsoe, Bowmar, Bridges, Chambers, Churchill, Crutcher, Eve, Faulkner, Given, Hardin, Harrison, Hillyer, Johnson, Jones, Mason, Parks, Perrin, Simrall, Southgate, R. Taylor, H. Taylor, Thompson, Welch, Wilson, Wood and Yancey.

Those who voted in the negative, are, Messrs. Griffin and Owens.

Ordered, That the clerk acquaint the house of representatives therewith, and request their concurrence in the amendment.

And then the senate adjourned.

MONDAY, JANUARY 26, 1818.

The senate assembled.

Mr. Chambers, from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, to wit: An act to vest certain powers in the county court of Shelby; and an act for the benefit of the heirs of Samuel Galligher, deceased; and had found the same truly enrolled.

A message from the house of representatives, by Mr. Davis:

Mr. Speaker—The speaker of the house of representatives having signed several enrolled bills, I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

Whereupon the speaker signed said bills, being the same reported by Mr. Chambers to-day, and they were delivered to the joint committee of enrolments, to be presented to the lieutenant governor for his approbation.

Mr. Churchill moved to discharge the committee of the whole house from the further consideration of a bill from the house of representatives entitled "an act further to regulate the court of appeals."

And the question being taken on the motion, it was decided in the affirmative—Yeas 16, nays 12.

The yeas and nays being required thereon by Messrs. R. Taylor and Harrison, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Bridges, Churchill, Given, Griffin, Harrison, Hill-
yer, Jones, Mason, Owens, Perrin, Welch, Wickliff, Wilson,
Wood and Worthington.

Those who voted in the negative, are, Messrs. Bartlett, Barry, Bledsoe, Chambers, Crutcher, Eve, Faulkner, Sim-
rall, Southgate, R. Taylor, H. Taylor and Yancey.

The bill was then taken up, and Mr. Johnson moved to strike out the words "Cynthiana, in the county of Harri-
son," from the first section.

And the question being taken thereon it was resolved in the negative—Yeas 15, nays 17.

The yeas and nays being required thereon by Messrs. Perrin and Griffin, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Bartlett, Barry, Bledsoe, Bowmar, Chambers, Crutcher, Eve, Faulk-
ner, Johnson, Jones, Southgate, R. Taylor, H. Taylor,
Thompson and Yancey.

Those who voted in the negative, are Mr. Speaker, and Messrs. Bridges, Churchill, Given, Griffin, Hardin, Harrison, Hillyer, Mason, Owens, Perrin, Simrall, Welch, Wickliff, Wilson, Wood and Worthington.

Mr. Johnson then moved to strike out the words "Stanford, in the county of Lincoln," from the third section.

And the question being taken thereon, it was resolved in the negative—Yeas 13, nays 19.

The yeas and nays being required thereon by Messrs. Faulkner and Griffin, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Bartlett, Bledsoe, Bowmar, Chambers, Crutcher, Faulkner, Johnson, Jones, Simrall, Southgate, R. Taylor, H. Taylor and Thompson.

Those who voted in the negative, are, Mr. Speaker and Messrs. Barry, Bridges, Churchill, Eve, Given, Griffin, Hardin, Harrison, Hillyer, Mason, Owens, Perrin, Welch, Wickliff, Wilson, Wood, Worthington and Yancey.

Mr. Johnson then moved to strike out the words "Greenville, in Muhlenberg county," from the fifth section.

And the question being taken thereon, it was resolved in the negative—Yeas 11, nays 20.

The yeas and nays being required thereon by Messrs. Johnson and Perrin, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Bartlett, Bledsoe, Bowmar, Chambers, Faulkner, Johnson, Jones, R. Taylor, H. Taylor, Thompson and Yancey.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Barry, Bridges, Churchill, Crutcher, Eve, Given, Griffin, Hardin, Harrison, Hillyer, Mason, Owens, Perrin, Southgate, Welch, Wickliff, Wilson, Wood and Worthington.

Mr. Simrall then moved to re-consider the vote on striking out the words "Cynthiana, in the county of Harrison," from the first section.

And the question being taken thereon, it was resolved in the negative—Yeas 15, nays 17.

The yeas and nays being required thereon by Messrs. Yancey and Wickliff, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Bartlett, Barry, Bledsoe, Bowmar, Chambers, Crutcher, Eve, Faulkner, Johnson, Simrall, Southgate, H. Taylor, R. Taylor, Thompson and Yancey.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Bridges, Churchill, Given, Griffin, Hardin, Harri-

son, Hillyer, Jones, Mason, Owens, Perrin, Welch, Wickliff, Wilson, Wood and Worthington.

Mr. Johnson then moved to lay the bill on the table until the first day of March next; and the question being taken thereon, it was resolved in the negative—Yeas 13, nays 19.

The yeas and nays being required thereon by Messrs. Mason and Faulkner, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Bartlett, Bledsoe, Bowmar, Chambers, Crutcher, Faulkner, Johnson, Jones, Simrall, Southgate, R. Taylor, H. Taylor and Thompson.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Barry, Bridges, Churchill, Eve, Given, Griffin, Hardin, Harrison, Hillyer, Mason, Owens, Perrin, Welch, Wickliff, Wilson, Wood, Worthington and Yancey.

Mr. Faulkner then moved to reduce the number of judicial sites to three; and the question being taken thereon, it was resolved in the negative—Yeas 14, nays 18.

The yeas and nays being required thereon by Messrs. Welch and Faulkner, were as follows, to wit:

Those who voted in the affirmative, are Messrs. Bartlett, Bledsoe, Bowmar, Chambers, Crutcher, Faulkner, Johnson, Jones, Simrall, Southgate, R. Taylor, H. Taylor, Thompson and Wood.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Barry, Bridges, Churchill, Eve, Given, Griffin, Hardin, Harrison, Hillyer, Mason, Owens, Perrin, Welch, Wickliff, Wilson, Worthington and Yancey.

The question was then taken on reading the bill a third time, and it was resolved in the affirmative—Yeas 18, nays 14.

The yeas and nays being required thereon by Messrs. Yancey and Jones, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Bridges, Churchill, Eve, Given, Griffin, Hardin, Harrison, Hillyer, Mason, Owens, Perrin, Welch, Wickliff, Wilson, Wood, Worthington and Yancey.

Those who voted in the negative, are, Messrs. Bartlett, Barry, Bledsoe, Bowmar, Chambers, Crutcher, Faulkner, Johnson, Jones, Simrall, Southgate, R. Taylor, H. Taylor and Thompson.

Mr. Chambers then moved to lay the bill on the table until the 10th of February next; and the question being taken thereon, it was resolved in the negative—Yeas 15, nays 17.

The yeas and nays being required thereon by Messrs. Faulkner and R. Taylor, were as follows, to wit :

Those who voted in the affirmative, are, Messrs. Bartlett, Barry, Bledsoe, Bowmar, Chambers, Crutcher, Faulkner, Hardin, Johnson, Jones, Parks, Simrall, R. Taylor, H. Taylor and Thompson.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Bridges, Churchill, Eve, Given, Griffin, Harrison, Hillyer, Mason, Perrin, Southgate, Welch, Wickliff, Wilson, Wood, Worthington and Yancey.

Mr. Harrison then moved to lay the bill on the table until to-morrow ; and the question being taken thereon, it was resolved in the negative—Yeas 12, nays 20.

Those who voted in the affirmative, are, Messrs. Churchill, Given, Griffin, Hardin, Harrison, Hillyer, Mason, Welch, Wickliff, Wilson, Wood and Worthington.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Bartlett, Barry, Bledsoe, Bowmar, Bridges, Chambers, Crutcher, Eve, Faulkner, Johnson, Jones, Parks, Perrin, Simrall, Southgate, R. Taylor, H. Taylor, Thompson and Yancey.

The said bill was read a third time as follows, to wit :

An ACT further to regulate the Court of Appeals.

§ 1. *Be it enacted by the general assembly of the commonwealth of Kentucky*, That the judges of the court of appeals, instead of semi-annual sessions in the town of Frankfort, shall hereafter hold the sessions of that court at the following places, and at the times and in the order following, viz. At the town of Cynthiana, in the county of Harrison, on the first Monday in April next, and on the first Monday in February forever thereafter ; and may continue in session one month, if the business should so long require it.

§ 2. At the town of Mountsterling, in Montgomery county, on the first Monday in March next, and on the first Monday in March in every year thereafter ; and may continue in session four weeks, if the business should so long require it.

§ 3. At the town of Stanford, in the county of Lincoln, on the first Monday in May next, and on the first Monday in May in every year thereafter ; and may continue in session four weeks, if the business should so long require it.

§ 4. At the town of Bardstown in the county of Nelson, on the first Monday in August next, and on the first Monday in August in every year thereafter ; and may continue

in session for six weeks, if the business should so long require it.

§ 5. At the town of Greenville, in Mublenberg county, on the first Monday in November next, and on the first Monday in November in every year thereafter; and may continue in session four weeks, if the business should so long require it.

§ 6. *And be it further enacted*, That the aforesaid towns shall be styled the first, second, third, fourth and fifth appellate judicial sites, according to the order in which they are named above.

§ 7. *And be it further enacted*, That the causes remaining in the office of the clerk of the court of appeals undetermined at the passage of this act, shall, by the said clerk, be forthwith distributed among the several appellate judicial sites aforesaid, according to the following rule, viz. the causes sent to each of the aforesaid sites, shall be those which originated in counties the court-houses of which are as high or higher to that site than either of the other sites; and he shall send with each cause upon which any proceedings may have been had by the court, a correct transcript of the record of such proceedings: and for the distribution and transmission of the records and causes aforesaid, the clerk shall be entitled to a reasonable compensation, to be ascertained and certified by the judges of the court of appeals, and paid by the treasurer.

§ 8. *And be it further enacted*, That the clerk of the court of appeals shall keep an office at each of the aforesaid appellate judicial sites, in one of which he shall officiate in person; and he shall appoint at least one qualified person at each of the other sites, as his deputy; and he shall take care that the clerical duties at the office of each of the aforesaid sites shall be skilfully, faithfully and dispatchfully done. And the causes, records and papers which may appertain to each of the aforesaid sites, shall be carefully kept and skilfully arranged in the office connected therewith.

§ 9. *And be it further enacted*, That the judges of the court of appeals shall hold their sessions in the court-houses of the counties in which the appellate judicial sites are hereby established, or in other houses within the said sites, if they should think it more convenient, until otherwise provided for by law; and the sheriffs of the said counties, shall, by themselves or deputies, attend the said court; for which they shall be allowed a reasonable compensation by the judges, to be certified and paid out of the public treasury.

§ 10. *Be it further enacted*, That when an appeal is prayed and granted, it shall be taken to that session of the court of appeals which is to be held at the appellate judicial site nearest to the court from which the appeal is prayed : and where there are two or more sites equidistant, the appellant shall elect between them, and his election shall be entered of record, and the cause shall be sent to the site thus elected ; and where any doubt or dispute may exist between the parties in the court below, as to the highest of two or more appellate judicial sites, or as to their equidistance, that court shall decide irreversibly as to proximity or distance, and grant the appeal accordingly.

§ 11. *And be it further enacted*, That writs of error, with or without supersedeas, shall be sued out from and made returnable to the office of that appellate judicial site which is nearest the court house in which the judgment or decree alleged to be erroneous was pronounced ; and where two or more appellate judicial sites are supposed to be equidistant, the plaintiff in error may make his option, and sue out his writ accordingly : nor shall it be dismissed for a mistake of distance, unless the mistake be of a distance more than 10 miles. And in ascertaining distances under any of the provisions of this act, computation shall be the criterion.

§ 12. *And be it further enacted*, That when cross appeals are taken, they shall be taken to the same judicial site.

§ 13. *And be it further enacted*, That the clerk of the court of appeals may receive and record, as heretofore, deeds of conveyance and other writings, at the office of the fourth appellate judicial site only, and not at any of the other sites ; and he shall transmit to, and keep at the office of the fourth appellate judicial site all his record books of conveyances and other recorded writings not judicial, and also his books or books of memorials of conveyances ; and he shall receive and transmit at and from that office, memorials of deeds and other recorded instruments, in the same way he has heretofore done at Frankfort.

§ 14. *And be it further enacted*, That if from sickness or any other cause the judges should be unable to hold their session at any one of the appellate judicial sites, according to the provisions of this act, it shall be competent for the judges to appoint a time at which they will hold a session at the site in which the failure happened ; and their proceedings at the session so appointed shall be entirely valid. And should the press of business, or the state of the docket at any of the appellate judicial sites render it necessary, the

judges may appoint and hold an additional term at such judicial site.

§ 15. *And be it further enacted*, That the entry books now in the possession and keeping of the clerk of the court of appeals, containing the entries on the north side of the Kentucky river, shall by the said clerk be delivered to the register of the land-office, to be by him kept in the said office.

§ 16. *And be it further enacted*, That the court of appeals, as held at the several appellate judicial sites ordained by this act, shall be governed and regulated by the rules and laws now in force, until they are altered, modified or repealed. All laws contravening the provisions of this act, shall be, and the same are hereby repealed.

And the question being taken on the passage thereof, it was resolved in the negatives—Yeas 16, nays 16.

The yeas and nays being required thereon by Messrs. Faulkner and R. Taylor, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker and Messrs. Bridges, Churchill, Eve, Given, Griffin, Hardin, Harrison, Hillyer, Mason, Perrin, Welch, Wickliff, Wilson, Wood and Worthington.

Those who voted in the negative, are, Messrs. Bartlett, Barry, Bledsoe, Bowmar, Chambers, Crutcher, Faulkner, Johnson, Jones, Parks, Simrall, Southgate, R. Taylor, H. Taylor, Thompson and Yancey.

Whereupon, the vote being equal, the speaker, agreeably to the rule of the senate, declared the said bill rejected.

Ordered, That Mr. Bledsoe inform the house of representatives thereof.

Mr. Crutcher moved to take up the resolution from the house of representatives for the final adjournment of the legislature; and the question being taken thereon, it was resolved in the negative—Yeas 13, nays 16.

The yeas and nays being required thereon by Messrs. Crutcher and Wickliff, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Crutcher, Eve, Faulkner, Jones, Simrall, Southgate, R. Taylor, Welch, Wilson, Wood, Worthington and Yancey.

Those who voted in the negative, are, Messrs. Bartlett, Barry, Bledsoe, Bridges, Chambers, Churchill, Given, Griffin, Hardin, Harrison, Hillyer, Mason, Owens, Perrin, H. Taylor and Wickliff.

A message from the house of representatives, by Mr. O'Bannon :

Mr. Speaker—The house of representatives have passed a bill entitled “an act to amend an act entitled an act more effectually to suppress the practice of duelling ;” in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives, by Mr. Baylor :

Mr. Speaker—The house of representatives have passed a bill entitled “an act directing that the turnpike to be made from Maysville to Lexington, shall pass through Mayslick and Millersburg ;” in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives, by Mr. White :

Mr. Speaker—The house of representatives have passed a bill entitled “an act to alter the time of holding the fall term of the Henry circuit court ;” in which they request the concurrence of the senate.

And then he withdrew.

An engrossed bill to provide for the distribution of the acts of congress in this commonwealth, was taken up.

Resolved, That said bill do pass, and that the title be “an act to provide for the distribution of the acts of congress in this commonwealth.”

Ordered, That the clerk do carry said bill to the house of representatives and request their concurrence.

Bills from the house of representatives, to wit : An act regulating the fees of jailers in this commonwealth ; an act authorising certain justices of the county courts to award injunctions, writs of *ne exeat* and *habeas corpus* ; and an act to amend an act to amend and reduce into one the several acts respecting the militia ; were severally taken up. The first was amended at the clerk's table, and read a third time.

Resolved, That the said bill as amended do pass, and that the clerk inform the house of representatives thereof and request their concurrence in said amendments.

The second was ordered to be laid on the table, and the third committed to Messrs. Simrall, Wood, Perrin, Griffin, Welch, Hardin, Owens, Thompson, Eve and Harrison.

A bill to authorise the governor to let out the public arms of this commonwealth ; a bill subjecting equitable interests in land to sale for the payment of debts ; a bill to open a road

from Mountsterling to Prestonsburg, and for other purposes; a bill to incorporate the Kentucky Ohio Canal Company; a bill authorising Roger Oats to open a road from Monticello to the Tennessee line; a bill to provide for the repairing the roads by county levies; a bill for classing tobacco; a bill better to regulate the penitentiary; and a bill providing for the establishment of a bank at Limestone, in Mason county; were severally taken up.

The four former were ordered to be engrossed and read a third time; the fifth was committed to Messrs. Wood, Owens, Griffin and Eve; the three succeeding ordered to be laid on the table, and the latter postponed indefinitely.

A bill to regulate the fees of inspectors in this commonwealth, which is as follows, to wit:

A BILL to regulate the fees of Inspectors in this commonwealth.

Whereas it is represented to this legislature that the compensation heretofore allowed to inspectors of tobacco in this commonwealth is inadequate to their services, and that the advanced price of labor in the general, and of that and other growths, renders it just and necessary that their wages should be increased: Wherefore,

Be it enacted by the general assembly of the commonwealth of Kentucky, That inspectors of tobacco in this commonwealth shall hereafter be allowed the sum of one dollar for each and every hogshead of tobacco by them inspected, to be paid by the shipper thereof.

Was taken up; and the question being taken on engrossing and reading the same a third time, it was disagreed to.

And so the said bill was rejected.

A message from the house of representatives, by Mr. Barr:

Mr. Speaker—The house of representatives have passed a bill entitled “an act to provide for copying certain records of Fayette county, which were saved when the late quarter session and county court offices were burnt, and to declare the validity thereof;” in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives, by Mr. Metcalfe:

Mr. Speaker—The house of representatives have passed a bill entitled “an act to explain the powers and duties of the trustees of Carlisle;” in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives, by Mr. Patton :

Mr. Speaker—The house of representatives have adopted the following resolution, to wit :

IN THE HOUSE OF REPRESENTATIVES, Jan. 24, 1818.

Resolved by the general assembly of the commonwealth of Kentucky, That the auditor of public accounts be directed to make out a transcript of all the headright lands sold to individuals at the sales which commenced in November last, containing the number of acres sold, the names of the original holders, the number of the certificates, by whom purchased, and the amount for which each claim was sold : which transcript he shall deliver to the public printers, whose duty it shall be to print 500 copies thereof.

Extract, &c.—Att.

R. S. TODD, C. H. R.

In which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives, by Mr. J. Hunter :

Mr. Speaker—The house of representatives have passed bills of the following titles : An act to incorporate the Louisville Insurance Company, and an act to establish a turnpike road from Louisville to Portland and Shippingport ; in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives, by Mr. Knight :

Mr. Speaker—The house of representatives have passed a bill entitled “ an act to amend an act incorporating the Lexington and Louisville Turnpike Road Company ;” in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives, by Mr. Todd :

Mr. Speaker—The house of representatives have passed bills of the following titles : An act for the benefit of Robert Wellford, and an act to amend the laws concerning the town of Frankfort ; in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives, by Mr. Sharpe :

Mr. Speaker—The house of representatives have passed a bill entitled “ an act authorising the register to employ qua-

lifted clerks in his office ;" in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives, by Mr. Roberts :

Mr. Speaker—The house of representatives have passed a bill entitled "an act to amend an act to compel circuit judges of this commonwealth to move into and reside within their respective circuits ;" in which they request the concurrence of the senate.

And then he withdrew.

And then the senate adjourned.

TUESDAY, JANUARY 27, 1848.

The senate assembled.

A message from the house of representatives, by Mr. Barr :

Mr. Speaker—The house of representatives concur in the amendments proposed by the senate to the address to the acting governor for the removal of David Logan, a justice of the peace for Fayette county.

And then he withdrew.

Mr. Chambers, from the joint committee of enrolments, reported that they had laid before the lieutenant governor for his approbation, the enrolled bills signed on yesterday by the speaker of the senate.

Mr. Yancey, from the joint committee of enrolments, reported that they had examined an enrolled address to the acting governor for the removal of David Logan, a justice of the peace for Fayette county, and had found the same truly enrolled.

A message from the house of representatives, by Mr. Barr :

Mr. Speaker—The speaker of the house of representatives having signed an enrolled address to the acting governor for the removal of David Logan, a justice of the peace for Fayette county, I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

Whereupon the speaker signed the address, and it was delivered to the joint committee to be presented to the acting governor.

A message from the house of representatives, by Mr. J. Hunter :

Mr. Speaker—The house of representatives have passed bills of the following titles, to wit : An act to amend an act entitled an act for the regulation of the town of Mountsterling, in Montgomery county ; an act to authorise the county courts to appoint inspectors of flour ; and an act authorising the extension of certain streets in the town of Louisville ; in which they request the concurrence of the senate.

And then he withdrew.

The following bills were reported from the respective committees appointed to prepare and bring in the same, to wit :

By Mr. Johnson—A bill to appoint trustees to the town of Suffolk, in Butler county.

And by Mr. Barry—A bill to incorporate the Lexington Athenæum.

Which were severally read the first time ; and the rule being dispensed with, they were read a second and third time.

Resolved, That the said bills do pass, and that the titles be, respectively, “ an act to appoint trustees to the town of Suffolk, in Butler county,” and “ an act to incorporate the Lexington Athenæum.”

Ordered, That Mr. Johnson do carry the first, and Mr. Barry the second to the house of representatives, and request their concurrence.

Mr. Wood, from the committee to whom was referred a bill authorising Roger Oats to open a road from Monticello to the Tennessee line, reported the same with amendments, which being twice read were concurred in.

Ordered, That the bill as amended be engrossed and read a third time.

The senate received a message in writing from the lieutenant governor, by Mr. Secretary Pope, containing certain military nominations, to wit :

Gentlemen of the Senate,

I nominate for your advice and consent—Samuel Caldwell, major general of the 1st division of Kentucky militia, in place of Samuel Hopkins, resigned.

John Griffin, brigadier general of the 16th brigade, in place of Christopher Rife, resigned.

Henry James, colonel of the 44th regiment, in place of John Griffin, if promoted.

George Dunagan, lieutenant colonel of the same regiment, in place of Henry James, if promoted.

Charles Rush, major of the same regiment, in place of George Dunagan, if promoted.

James Stone, colonel of the 90th regiment, in place of Micah Taul, removed.

Walter Emerson, lieutenant colonel of the same regiment, in place of James Stone, if promoted.

James White, major of the same regiment, in place of Walter Emerson, if promoted.

Nathaniel Auxier, major of the 56th regiment, in place of Spencer Adkins, resigned.

James Ward, jr. major of the 70th regiment, in place of Nathaniel Morton, promoted.

James Ellis, major of the 21st regiment, in place of Elijah M'Clanahan, resigned.

Alexander M. Henry, lieutenant colonel of the 76th regiment, in place of John Bell, resigned.

William Hardin, brigadier general of a new brigade denominated the 23d brigade, attached to the 4th division.

Stephen Ashley, major general of a new division, denominated the 11th division, consisting of the 12th and 17th brigades.

It appears that in a nomination made to me by the commandant of the 10th brigade, of a major of the 46th regiment, a mistake has taken place in the name. It should be James, instead of Lemuel Wilson.

Also the nomination of Eli Pitchfield, major of the 64th regiment, should be Eli Pitchford.

GABL. SLAUGHTER.

January 27, 1818.

Which were read and ordered to be laid on the table.

A message from the house of representatives, by Mr. Patton:

Mr. Speaker—The house of representatives have passed a bill entitled "an act for the benefit of David James," in which they request the concurrence of the senate.

And then he withdrew.

Mr. Crutcher, from the committee to whom was referred a bill to alter the mode of taking in the lists of taxable property, reported an amendment in lieu thereof, which was ordered to be laid on the table.

A bill providing for a change of venue in the case of Jacob Stanger, was taken up, amended and ordered to be engrossed and read a third time.

The nomination of James M^cColgan, lieutenant colonel of the 46th regiment, made the 20th instant, was taken up and read.

Resolved, That the senate advise and consent thereto.

Ordered, That Messrs. Wood, Perrin and Crutcher acquaint the lieutenant governor therewith.

The resolution from the house of representatives for a final adjournment of the legislature, was taken up.

Mr. Mason moved to lay it on the table until Friday next; and the question being taken thereon, it was resolved in the negative—Yeas 14, nays 17.

The yeas and nays being required thereon by Messrs. Perrin and Wickliffe, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Bartlett, Barry, Bledsoe, Bowmar, Bridges, Hardin, Hillyer, Johnson, Mason, Perrin, Simrall, H. Taylor, Thompson and Wood.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Churchill, Crutcher, Eve, Faulkner, Given, Griffin, Harrison, Jones, Owens, Southgate, R. Taylor, Welch, Wickliff, Wilson, Worthington and Yancey.

Mr. Simrall then moved to strike out the words "Saturday the 31st instant," from the resolution; and the question being taken thereon, it was resolved in the negative—Yeas 13, nays 19.

The yeas and nays being required thereon by Messrs. Crutcher and Wickliff, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Barry, Bledsoe, Bowmar, Chambers, Hardin, Hillyer, Johnson, Perrin, Simrall, R. Taylor, H. Taylor, and Wood.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Bridges, Churchill, Crutcher, Eve, Faulkner, Given, Griffin, Harrison, Jones, Mason, Owens, Southgate, Thompson, Welch, Wickliff, Wilson, Worthington and Yancey.

The resolution was then adopted.

Ordered, That Mr. Crutcher inform the house of representatives thereof.

A message from the house of representatives, by Mr. Rowan:

Mr. Speaker—The house of representatives have passed a bill entitled "an act for the benefit of the heirs of Richard Blanton, deceased, and of William R. Hynes;" in which they request the concurrence of the senate.

And then he withdrew.

The Senate took up the objections of the lieutenant governor to a bill entitled "an act authorising certain lotteries," which were read as follows, to wit:

Gentlemen of the House of Representatives,

I return, with my objections, the enrolled bill with the following title: "An act authorising certain lotteries."

With a sincere disposition to co-operate with the legislature in all measures calculated to advance the general welfare, and without questioning the utility of the several objects contemplated by this bill, I regret that I am constrained by a sense of duty to withhold my approbation and signature, because it authorises lotteries, for the purposes therein specified.

With the highest respect for the wisdom and patriotism of the legislature, I beg leave once more to enter my protest against this mode of raising money. In doing so I can only again suggest the objections I made last year to several bills of a similar character. A lottery has ever been deemed a species of gaming; and if not so in the ordinary sense of the term, it awakens and generates a spirit of gambling which public sentiment and the public good require the legislature to control, and, if practicable, suppress. All private lotteries have, in civilized countries, been held and declared to be public nuisances; and the legislature of this commonwealth at a former session seem to have viewed them as gaming devices. The necessity imposed of legislative sanction and regulations, may lessen the evils incident to schemes of this sort, but cannot change their character, or entirely prevent their pernicious effects. The example of government lessens the odium attached to the practice, and emboldens individuals to adopt artifices to elude legislative prohibitions. The people will naturally enquire, can that be wrong or immoral which has the countenance and support of the legislative authority? To invite the citizens to participate in games of hazard, tends to render them discontented with the reasonable profits of regular business, and to relax the morality and honest industry of the country, upon which the duration of our free institutions so essentially depends. It would seem to me to be the true policy of the state, instead of introducing, to exclude, as much as possible, chance from the transactions of its citizens. The indulgence of this practice of raising money in our country, bears a strong analogy to the course pursued by the governments of Europe. There, all private lotteries are denounced as nuisances, pernicious in their effects on the moral and industrious habits

of the community, and yet lottery schemes are resorted to every year by those governments to draw money from the people. I consider the public revenue and other funds of the commonwealth, aided by the liberality of the people, amply sufficient for every useful and practicable object. Such of those mentioned in the bill as can be deemed subjects of general interest, ought to be provided for out of the public treasury, and those of a local concern, by a tax on the property of the county, town or neighborhood particularly interested. In this way the burdens will be equalized, according to the genius and principles of our government. Upon the most careful review, I prefer raising money by a just and equal taxation, to those indirect means and demoralizing contrivances of ministerial ingenuity, so common in the governments of Europe. It is believed too, that lottery schemes are not always managed with such fairness as to entitle them to legislative patronage. Influenced by these considerations, and a conviction of the propriety and necessity of discountenancing such practices upon the credulity and infatuation of our fellow-citizens, I must refuse my assent to the bill referred to.

GABL. SLAUGHTER.

January 22d, 1813.

The question being taken on the passage of the bill, the governor's objections notwithstanding, it was resolved in the negative—Yeas 17, nays 15.

The yeas and nays thereon were as follows, to wit :

Those who voted in the affirmative, are, Messrs. Bartlett, Barry, Bledsoe, Bridges, Chambers, Churchill, Eve, Hardin, Hillyer, Johnson, Jones, Owens, Simrall, R. Taylor, H. Taylor, Thompson and Wilson.

Those who voted in the negative, are, Messrs. Bowmar, Crutcher, Faulkner, Given, Griffin, Harrison, Mason, Perrin, Southgate, Welch, Wickliff, Wood, Worthington and Yancey.

A majority of all the members elected not voting for the passage, the speaker declared the bill disagreed to.

Ordered, That Mr. Crutcher inform the house of representatives thereof.

The amendments proposed by the house of representatives to a bill from the senate entitled "an act for the improvement of internal navigation," were taken up and concurred in.

Ordered, That Mr. Bledsoe inform the house of representatives thereof.

A message from the house of representatives, by Mr. White :

Mr. Speaker—The house of representatives have passed a bill entitled “an act for the benefit of the widow and heirs of Morgan Bryan, deceased;” in which they request the concurrence of the senate.

And then he withdrew.

The amendments proposed by the house of representatives to a bill from the senate entitled “an act to amend the act authorising the sale of part of the public square in the town of Harrodsburg and an act supplemental thereto,” were taken up and concurred in.

Ordered, That the clerk inform the house of representatives thereof.

The amendments proposed by the house of representatives upon concurring in those proposed by the senate to a bill from the house of representatives entitled “an act for the purpose of allowing an additional number of justices of the peace to certain counties in this commonwealth,” were taken up and concurred in.

Ordered, That the clerk inform the house of representatives thereof.

A message from the house of representatives, by Mr. Cassidy :

Mr. Speaker—The house of representatives have passed bills of the following titles, to wit : An act to amend the law concerning tavern keepers, and an act to repeal an act concerning champerty and maintenance, approved December 22, 1798 ; in which they request the concurrence of the senate.

And then he withdrew.

A bill authorising a lottery to erect a seminary and pave Main street in Harrodsburg, was taken up, and the amendments reported by the committee disagreed to. It was then amended and ordered to be engrossed and read a third time.

The same having been engrossed, was read a third time ; and the question being taken on the passage thereof, it was resolved in the affirmative.—Yeas 17, nays 11.

The yeas and nays being required thereon by Messrs. Faulkner and Perrin, were as follows, to wit :

Those who voted in the affirmative, are, Messrs. Bartlett, Barry, Bledsoe, Bowmar, Bridges, Chambers, Churchill, Eve, Hardin, Hillyer, Johnson, Owens, Simrah, R. Taylor, H. Taylor, Thompson and Wilson.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Crutcher, Faulkner, Griffin, Harrison, Mason, Perrin, Southgate, Wood, Worthington and Yancey.

Resolved, That the said bill do pass, and that the title be "an act authorising lotteries in the towns of Hardinsburg and Louisville."

Ordered, That Mr. Hardin do carry said bill to the house of representatives and request their concurrence.

The amendments proposed by the house of representatives upon concurring in those proposed by the senate to a bill from the house of representatives entitled "an act for the benefit of Catherine Cook," were taken up and concurred in.

A bill from the house of representatives entitled "an act for the relief of Samuel Gadberry, of Casey county," was amended at the clerk's table and read a third time.

Resolved, That the said bill as amended do pass, and that the title be amended by adding "and William Holland, of Green county."

Ordered, That Mr. Owens inform the house of representatives thereof, and request their concurrence in said amendments.

A bill for the benefit of Peter Simmerman, Andrew Irwin and Matthew Huling, was amended and ordered to be engrossed and read a third time.

A message from the house of representatives, by Mr. Thompson :

Mr. Speaker—The house of representatives have passed a bill entitled "an act to regulate the town of Perryville;" in which they request the concurrence of the senate.

And then he withdrew.

A bill from the house of representatives entitled "an act for the benefit of Littleberry Bedford," was read a third time.

Resolved, That the said bill do pass, and that the clerk inform the house of representatives thereof.

Mr. Yancey, from the joint committee of enrolments, reported that they presented to the lieutenant governor an address for the removal of David Logan, a justice of the peace for Fayette county, which was signed by the speaker of the senate to-day.

Engrossed bills, to wit: A bill concerning the town of Versailles; a bill more effectually to provide for the recovery of certain claims against the county courts of this commonwealth; a bill providing for a change of venue in the case of Newett Pennington and William M'Donald; a bill

subjecting equitable interests in land to sale for payment of debts; a bill to amend the act concerning writs of *ad quod damnum*; a bill to subject the lands of non-residents to the payment of their debts in certain cases; and a bill for the benefit of the widow and heirs of Sandford Carroll, deceased; were severally read a third time.

Resolved, That the three former bills do pass, and that the titles be, respectively, "an act more effectually to provide for the recovery of certain claims against the county courts of this commonwealth;" "an act concerning the town of Versailles;" and "an act providing for a change of venue in the case of Newett Pennington and William M'Donald."

Ordered, That the clerk do carry said bills to the house of representatives and request their concurrence.

The three succeeding bills were ordered to be laid on the table, and the latter committed to Messrs. Chambers, Johnson, Owens and Bowmar.

An engrossed bill more effectually to prevent the destruction or removal of corner trees, stones or posts which are of record in this commonwealth, was taken up and the amendment concurred in.

Resolved, That the said bill do pass, and that the title be "an act more effectually to prevent the destruction or removal of corner trees, stones or posts which are of record in this commonwealth."

Ordered, That the clerk do carry said bill to the house of representatives and request their concurrence.

An engrossed bill to incorporate the Kentucky Ohio Canal Company, was read a third time, amended and the blanks therein filled.

Resolved, That the said bill do pass, and that the title be "an act to incorporate the Kentucky Ohio Canal Company."

Ordered, That Mr. Simrall do carry said bill to the house of representatives, and request their concurrence.

And then the senate adjourned.

WEDNESDAY, JANUARY 28, 1818.

The senate assembled.

Mr. Yancey, from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, to wit: An act to relinquish the commonwealth's right of escheat to the estate of Ignatius Hot-

tonroth; an act to amend the act entitled an act for the benefit of the infant heirs of Edmund Taylor, deceased, of Campbell county; an act for the benefit of Alexander Armstrong and Augustin Clayton; an act for the relief of the late sheriff of Warren county; an act to amend the act entitled an act authorising the sale of part of the public square in the town of Harrodsburg and an act supplemental thereto; an act for the improvement of internal navigation; an act for the benefit of Catherine Cook and others; and had found the same truly enrolled.

A message from the house of representatives, by Mr. Davis:

Mr. Speaker—The speaker of the house of representatives having signed sundry enrolled bills, I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

Whereupon the speaker signed said bills, being the same reported to day by Mr. Yancey, and they were delivered to the joint committee of enrolments, to be presented to the lieutenant governor for his approbation. And after a short time, Mr. Yancey reported that the committee had performed that duty.

Mr. H. Taylor, from the committee for courts of justice, made the following report, to wit:

The committee for courts of justice have according to order had under consideration the petition of John Christian, of Clark county, representing that he is blind and extremely poor; that he is related to John H. Christian, deceased, who by will directed the surplus of his estate, above \$5000, after satisfying the legacies, to be applied to charitable uses; that the surplus is small, and that the near relations of the deceased are desirous that it should be paid to the petitioner: and praying that a law may be passed directing the administrators of the deceased to pay him said surplus money; and have come to the following resolution thereupon, to wit:

Resolved, That the petition be rejected.

Which was twice read and concurred in.

The speaker laid before the senate the following communications, to wit:

AUDITOR'S OFFICE, January 28th, 1818.

SIR—On me devolves the painful duty, of communicating to the senate, through you, that I have, since the re-election of the present treasurer, discovered that he has loaned on interest to individuals upwards of twenty thousand dollars of the public money.

I wish, sir, to communicate personally, the particulars which have come to my knowledge relative to this transaction, to a joint committee from your body and the house of representatives, or in such other manner as may be directed.

I have the honor, sir, to be,

Very respectfully, your obedient servant,

J. MADISON.

The honorable Robert Erwing, Speaker of the Senate.

TO THE HONORABLE THE LEGISLATURE OF KENTUCKY.

Having been informed of the communication made to you by Mr. John Madison, to save any trouble on the subject of the communication, I will state, that under circumstances not necessary to relate, I did loan public money, under the expectation that it would be replaced before it was possible for the public interest to be in any way affected by it: a part of the money so loaned I have not yet been able to get in, although I greatly desired to do so.

I feel sorry indeed that the legislature should be troubled with the subject, in which the state has not suffered any loss, and is not likely to suffer. I desire to give them as little trouble as possible. Confident I am that I have the interest of the state at heart; that I have endeavored to discharge the duties of the office to the satisfaction of all persons having business in the office. I have erred in the manner stated in Mr. Madison's letter. To be deprived of the office will make a very material and oppressive change in my circumstances, yet I shall submit with Christian resignation to the will and pleasure of the legislature.

I am, sir, your obedient humble servant,

JOHN P. THOMAS.

January 28th, 1818.

Which were read and laid on the table.

On the motion of Mr. Owens, leave was given to bring in a bill allowing an additional number of justices of the peace to certain counties; and Messrs. Owens, Harrison, Crutcher and Jones were appointed to prepare and bring in the same.

And after a short time, Mr. Owens reported a bill, which was read the first time; and the rule being dispensed with, the bill was read a second time and ordered to be engrossed and read a third time.

The same having been engrossed, was read a third time.

Resolved, That the said bill do pass, and that the title be "an act allowing an additional number of justices of the peace to certain counties."

Ordered, That Mr. Owens do carry said bill to the house of representatives and request their concurrence.

A message from the house of representatives, by Mr. Weir:

Mr. Speaker—The house of representatives have passed a bill entitled “an act establishing an academy in the county of Hopkins;” in which they request the concurrence of the senate.

And then he withdrew.

On the motion of Mr. Bowmar,

Ordered, That a message be sent to the house of representatives, requesting permission of that body to withdraw the report made from the senate on yesterday, of the rejection of an act authorising certain lotteries; and that Mr. Simrall carry the said message.

The nominations of military officers made on yesterday, were taken up and severally read.

Resolved, That the senate advise and consent thereto.

On the motion of Mr. Simrall,

Ordered, That the select committee to whom was referred the nomination of Samuel Ireland, brigadier general of the 2d brigade, be discharged from the further consideration thereof.

And the nomination was then taken up and read; and the question being taken on advising and consenting thereto, it was resolved in the affirmative—Yeas 24, nays 7.

The yeas and nays being required thereon by Messrs. Bartlett and Southgate, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Bartlett, Bowmar, Bridges, Chambers, Churchill, Crutcher, Given, Griffin, Harrison, Hillyer, Jones, Mason, Owens, Parks, Southgate, R. Taylor, H. Taylor, Thompson, Wickliff, Wilson, Wood, Worthington and Yancey.

Those who voted in the negative, are, Messrs. Bledsoe, Faulkner, Hardin, Johnson, Perrin, Simrall and Welch.

Resolved, That the senate advise and consent thereto.

Ordered, That Messrs. Crutcher, Churchill and Welch, acquaint the lieutenant governor therewith.

A message from the house of representatives, by Mr. Baylor:

Mr. Speaker—The house of representatives have passed a bill from the senate entitled “an act to amend the act entitled an act for the more speedy recovery of the custody of children or wards,” with amendments; in which they request the concurrence of the senate.

And then he withdrew.

The said amendments were then taken up, and the two first concurred in; and it was moved to disagree to the third amendment, which was read as follows, to wit:

Provided, however, That this act shall not be so construed as to defeat any suit or suits which shall have been instituted in pursuance to the provisions of an act for the more speedy recovery of the custody of children or wards; but any suit or suits so instituted may be prosecuted to judgment or judgments, under the forms prescribed by said act, and the merits thereof decided by the laws in force when the several causes of action, if any, shall have accrued.

And the question being taken on disagreeing thereto, it was resolved in the affirmative—Yeas 17, nays 16.

The yeas and nays being required thereon by Messrs. Crutcher and Yancey, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Bartlett, Barry, Chambers, Churchill, Hardin, Hillyer, Johnson, Mason, Parks, Perrin, Simrall, H. Taylor, Thompson, Welch, Wilson and Yancey.

Those who voted in the negative, are, Messrs. Bledsoe, Bowmar, Bridges, Crutcher, Eve, Faulkner, Given, Griffin, Harrison, Jones, Owens, Southgate, R. Taylor, Wickliff, Wood and Worthington.

And so the said amendment was disagreed to.

Ordered, That Mr. Bledsoe inform the house of representatives thereof.

A message from the house of representatives, by Mr. J. Hunter:

Mr. Speaker—I am instructed by the house of representatives to return an enrolled bill entitled “an act authorising certain lotteries,” agreeably to the request of the senate.

And then he withdrew.

The vote given on yesterday, whereby the said bill was disagreed to, being reconsidered; the question was again taken on the passage thereof, the governor's objections notwithstanding, and it was resolved in the affirmative—Yeas 20, nays 12.

Those who voted in the affirmative, are, Mr. Speaker and Messrs. Bartlett, Barry, Bledsoe, Bowmar, Bridges, Chambers, Churchill, Eve, Hardin, Hillyer, Johnson, Jones, Owens, Parks, Simrall, R. Taylor, H. Taylor, Thompson and Wilson.

Those who voted in the negative, are, Messrs. Crutcher, Faulkner, Given, Griffin, Harrison, Mason, Perrin, Southgate, Welch, Wickliff, Wood and Yancey.

Resolved, That the said bill do pass, the lieutenant governor's objections notwithstanding.

Ordered, That Mr. Simrall inform the house of representatives thereof.

Mr. Johnson read and laid on the table the following resolution, to wit :

Resolved by the general assembly of the commonwealth of Kentucky, That a committee of be appointed from the senate and from the house of representatives, to examine into the loans and use made of the public money by the treasurer ; and also to examine into and check the accounts of said treasurer, and report to the legislature.

A message from the house of representatives, by Mr. Knight :

Mr. Speaker—The house of representatives have passed a bill entitled "an act to change the terms of the circuit courts of Jefferson, Henry and Gallatin;" in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives, by Mr. Underwood :

Mr. Speaker—The house of representatives have passed bills of the following titles : An act to establish election precincts in certain counties, and for other purposes ; an act to tax banks in this commonwealth ; and an act to repeal all laws passed by this state relative to the southern boundary line ; in which they request the concurrence of the senate.

And then he withdrew.

A message from the lieutenant governor, by Mr. Secretary Pope :

Mr. Speaker—I am directed by the lieutenant governor to inform the senate, that pursuant to the address of two-thirds of each branch of the general assembly, and the 6th section of the 4th article of the constitution, he has removed from office David Logan, a justice of the peace for Fayette county.

And then he withdrew.

The speaker laid before the senate the following letter, to wit :

TREASURY OFFICE, 28th Jan. 1818.

SIR—Please to accept my resignation as treasurer.

With great respect, I am, sir,

Your obedient humble servant,

JOHN P. THOMAS.

The Speaker of the Senate.

Ordered, That Mr. Bledsoe inform the house of representatives thereof.

A message from the house of representatives, by Mr. Sanford :

Mr. Speaker—The house of representatives have passed a bill from the senate entitled “an act to amend the act entitled an act to establish the town of Newport,” with an amendment, in which they request the concurrence of the senate.

And then he withdrew.

The said amendment was taken up, twice read and concurred in.

Ordered, That Mr. Simrall inform the house of representatives thereof.

A bill to establish an independent bank at Springfield, was read a second time and amended.

Ordered, That it be engrossed and read a third time.

A bill from the house of representatives entitled “an act to establish a road from Newport to Cynthiana,” was read a third time.

Resolved, That the said bill do pass, and that the clerk inform the house of representatives thereof.

A message from the house of representatives, by Mr. Chew :

Mr. Speaker—The house of representatives have passed a bill from the senate entitled “an act authorising lotteries in the towns of Hardinsburg and Louisville,” with amendments, in which they request the concurrence of the senate.

And then he withdrew.

The amendments were taken up, read and concurred in.

Ordered, That Mr. Hardin inform the house of representatives thereof.

Mr. Johnson read and laid on the table the following resolution :

Resolved by the general assembly of the commonwealth of Kentucky, That they will on Friday next proceed to the election of a treasurer for this commonwealth.

The rule being dispensed with, the said resolution was taken up, twice read and adopted.

Ordered, That Mr. Johnson acquaint the house of representatives therewith, and request their concurrence.

A bill from the house of representatives entitled “an act authorising the sale of part of the real estate of the heirs of Nathaniel Drake, deceased,” was read the first time ; and the rule being dispensed with, it was read a second and third time and committed to Messrs. Southgate, Johnson and Barry.

And after a short time, Mr. Southgate reported the said bill with amendments, which were read and concurred in.

Resolved, That the said bill as amended do pass, and that the clerk inform the house of representatives thereof and request their concurrence in said amendments.

A message from the house of representatives, by Mr. Barr :

Mr. Speaker—The house of representatives have passed a bill from the senate entitled “an act to incorporate Sanders’s Manufacturing Company.”

And then he withdrew.

A message from the house of representatives, by Mr. J. Hunter :

Mr. Speaker—The house of representatives have passed a bill from the senate entitled “an act to incorporate the Kentucky Ohio Canal Company.”

And then he withdrew.

Bills from the house of representatives, to wit : An act to amend the act authorising a road from Estill court-house by the Goose creek salt-works, and for other purposes ; an act to amend an act more effectually to suppress the practice of duelling ; an act for the benefit of Robert Wellford ; an act authorising the register to employ qualified clerks in his office ; an act to provide for copying certain records of Fayette county, which were saved when the late quarter session and county court offices were burnt, and to declare the validity thereof ; an act to explain the powers and duties of the trustees of Carlisle ; and an act directing that the turnpike to be made from Maysville to Lexington shall pass through Mayslick and Millersburg ; were severally read the first time. And the rule being dispensed with, they were read a second and third time.

Resolved, That the said bills do pass, and that the clerk inform the house of representatives thereof.

The senate received information from the lieutenant governor, by Mr. Secretary Pope, that he did on to-day approve and sign enrolled bills which originated in the senate, of the following titles : An act to repeal all acts or parts of acts declaring Drake’s creek, in Warren county, a navigable stream ; an act to amend the act entitled an act authorising the sale of part of the public square in the town of Harrodsburg, and an act supplemental thereto ; an act for the improvement of internal navigation ; an act for the relief of the late sheriff of Warren county ; an act for the benefit of Alexander Armstrong and Augustine Clayton ; an act to

relinquish the commonwealth's right of escheat to the estate of Ignatius Hottelroth; an act to amend the act entitled an act for the benefit of the infant heirs of Edmund Taylor, deceased, of Campbell county.

Ordered, That the clerk inform the house of representatives thereof.

A bill from the house of representatives entitled "an act to amend an act incorporating the Lexington and Louisville Turnpike Road Companies," was read the first time; and the rule being dispensed with, it was read a second time and amended at the clerk's table, and was read a third time.

Resolved, That the said bill as amended do pass, and that Mr. Simrall inform the house of representatives thereof and request their concurrence in the amendments.

Bills from the house of representatives, to wit: An act to establish a turnpike road from Louisville to Portland and Shippingport; an act to alter the time of holding the fall term of the Henry circuit court; an act to incorporate the Louisville Insurance Company; and an act to amend an act to compel circuit judges of this commonwealth to move into and reside within their respective circuits; were severally read the first time. And the rule being dispensed with, the two former were read a second time and ordered to be read a third time; the two latter were ordered to be read a second time.

A resolution from the house of representatives, directing to be made out and printed a list of headright lands sold at the register's sales in November last, was taken up, twice read and adopted.

Ordered, That Mr. Given inform the house of representatives thereof.

Mr. Jones read and laid on the table the following resolution, to wit:

Resolved by the general assembly of the commonwealth of Kentucky, That on the 29th inst. they will by a joint vote of both houses proceed to elect commissioners to superintend the clearing out obstructions in the several navigable streams agreeable to the act of the present session for the improvement of internal navigation.

An engrossed bill providing for a change of venue in the case of Jacob Stanger, was read a third time.

Resolved, That the said bill do pass, and that the title be "an act providing for a change of venue in the case of Jacob Stanger."

Ordered, That the clerk do carry said bill to the house of representatives and request their concurrence.

And then the senate adjourned.

THURSDAY, JANUARY 29, 1818.

The senate assembled.

A message from the house of representatives, by Mr. Rowan :

Mr. Speaker—The house of representatives agree to the resolution from the senate fixing a day for the election of a treasurer, with an amendment. They have passed a bill entitled “an act to amend an act for the relief of John D. Pearce ;” and they have adopted the following resolution, to wit :

IN THE HOUSE OF REPRESENTATIVES, Jan. 28, 1818.

Believing that with a free people, the praise by the government of the deserving citizen, while it furnishes the strongest incentive to elevated and patriotic conduct, is its most grateful reward ; and that while a government should economise its praise as its choicest treasure, it ought not to refrain from bestowing it freely where it is justly deserved.—To withhold from colonel Richard Taylor the just meed of his country’s approbation, would be unjust and impolitic. The exertions of that gentleman while acting as quartermaster-general to the detachment of Kentucky militia, in the fall of 1815, destined for the defence of New-Orleans, in their outfit, equipment and transportation, were zealous and laudable ; but his devotion of his private funds, credit and fortune to that object, evinced a zeal for the public good, and a concern for his country’s welfare ; which, unconnected with his previous signal acts and sufferings in his country’s service, constitute a pure and practical shape of patriotism seldom displayed and rarely surpassed in any country, and for which he has a just title to the gratitude of his country : Wherefore,

Resolved by the members of the legislature of Kentucky, That the aforesaid conduct of colonel Richard Taylor, connected with his previous military services and sufferings, entitle him to the praise, approbation and gratitude of his country, and that he be requested to accept from the members of this legislature for themselves, and in behalf of their constituents, this expression of his country’s gratitude.

Extract, &c.—Att.

R. S. TODD, C. H. R.

In which they request the concurrence of the senate.

And then he withdrew.

The said resolution was taken up, read, amended and ordered to be laid on the table.

The amendment proposed to the resolution for fixing a day for the election of a treasurer, (the amendment fixing on to-day for the election) was taken up and concurred in.

Ordered, That Mr. Johnson inform the house of representatives thereof.

Mr. Yancey, from the joint committee of enrolments, reported that they had examined enrolled bills of the following titles, to wit: An act for the purpose of allowing an additional number of justices of the peace in certain counties in this commonwealth; an act for the benefit of Littleberry Bedford; an act to establish a road from Newport to Cynthia; an act to amend an act entitled an act more effectually to suppress the practice of duelling; and had found the same truly enrolled.

The resolution fixing on to-day for the election of commissioners under the act for the improvement of internal navigation, was taken up and adopted.

Ordered, That Mr. Jones acquaint the house of representatives therewith, and request their concurrence.

Mr. Owens, from the committee to whom was referred a bill from the house of representatives entitled "an act for the benefit of Sally W. Boler," reported the same without amendment.

The bill was then read a third time.

Resolved, That the said bill do pass, and that Mr. Owens inform the house of representatives thereof.

A resolution from the house of representatives relative to the extinguishment of the Indian title to certain lands in this commonwealth, was taken up, twice read and concurred in.

Ordered, That Mr. Owens acquaint the house of representatives therewith.

A bill from the house of representatives declaring part of Robertson's creek navigable, was read a third time.

Resolved, That the said bill do pass, and that Mr. Owens inform the house of representatives thereof.

An engrossed bill to establish an independent bank at Springfield, was read a third time and amended; and the question being taken on the passage thereof, it was resolved in the affirmative—Yeas 24, nays 5.

The yeas and nays being required thereon by Messrs. Faulkner and Given, were as follows, to wit :

Those who voted in the affirmative, are, Messrs. Bartlett, Barry, Bledsoe, Bowmar, Bridges, Chambers, Churchill, Crutcher, Hardin, Harrison, Hillyer, Johnson, Mason, Owens, Perrin, Simrall, Southgate, R. Taylor, H. Taylor, Thompson, Welch, Wickliff, Wood and Yancey.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Faulkner, Given, Griffin and Wilson.

Resolved, That the said bill do pass, and that the title be "an act supplemental to the act establishing independent banks in this commonwealth."

Ordered, That Mr. Harrison do carry said bill to the house of representatives and request their concurrence.

A message from the house of representatives, by Mr. Sharpe :

Mr. Speaker—The house of representatives concur in the resolution from the senate fixing on to-day for the election of commissioners under the act for the improvement of internal navigation ; and they have adopted the following resolutions :

IN THE HOUSE OF REPRESENTATIVES, Jan. 29, 1818.

Resolved by the general assembly of the commonwealth of Kentucky, That his excellency the acting governor be requested to procure and transmit to the American Antiquarian Society of Massachusetts, (at public expence) one copy of the laws of this commonwealth, including the acts of the present session, and one copy of the journals of each branch of the legislature, and of the conventions held for this commonwealth, so far as the journals have been preserved from the fire that consumed the capitol of this state in 1815.

Extract, &c.—Att.

R. S. TODD, C. H. R.

IN THE HOUSE OF REPRESENTATIVES, Jan. 29, 1818.

Resolved by the general assembly of the commonwealth of Kentucky, That a commissioner be appointed by a joint ballot of the senate and house of representatives, and in case of his death or resignation the acting governor is hereby authorised to appoint a successor or successors, who shall, on the part of this commonwealth, meet the commissioners who are or may be appointed by the states of Ohio, Pennsylvania, Virginia and Indiana, or either of them ; whose duty it shall be, together with the said commissioners, to examine the obstructions to the navigation of the Ohio river, noting the probable expence that will attend their removal, and generally to perform the duties contemplated by a resolution

of the state of Ohio relative to the navigation of the Ohio river, bearing date on the 8th day of February 1817.

Resolved, If the states aforesaid shall agree to unite in the improvement of the navigation as aforesaid, then and in that case the faith of this commonwealth is hereby pledged to provide funds to cover its proportion of the expences of the undertaking.

Resolved, That the acting governor be requested to transmit a copy of the foregoing resolutions to the governors of the states of Ohio, Pennsylvania, Virginia and Indiana.

Extract, &c.—Att.

R. S. TODD, C. H. R.

In which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives, by Mr. Baylor :

Mr. Speaker—The house of representatives have passed a bill entitled “an act to enlarge the powers of the trustees of Paris,” in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives, by Mr. Duncan :

Mr. Speaker—The speaker of the house of representatives having signed sundry enrolled bills, I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

Whereupon the speaker signed said bills, being the same reported to-day by Mr. Yancey, and they were delivered to the joint committee to be presented to the lieutenant governor for his approbation.

Mr. Faulkner, from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, to wit : An act to incorporate Sanders's Manufacturing Company ; an act to amend the act establishing the town of Newport ; and an act authorising a lottery in the town of Hardinsburg ; and had found the same truly enrolled.

A message from the house of representatives, by Mr. Davis :

Mr. Speaker—The speaker of the house of representatives having signed sundry enrolled bills, I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

Whereupon the speaker signed said bills, being the same reported to-day by Mr. Faulkner, and they were delivered to the joint committee of enrolments, to be presented to the

lieutenant governor for his approbation. And after a short time, Mr. Given, from said committee, reported that they had performed that duty.

A bill better to regulate the penitentiary, was read a second time, amended and ordered to be engrossed and read a third time.

A bill from the house of representatives entitled "an act to establish a turnpike road from Louisville to Portland and Shippingport," was read a third time and amended at the clerk's table.

Resolved, That the said bill as amended do pass, and that Mr. Churchill inform the house of representatives thereof and request their concurrence in the amendments.

Bills from the house of representatives, to wit: An act to amend the laws concerning the town of Frankfort; an act for the benefit of the widow and heirs of George Adams, deceased; an act for the benefit of Elizabeth Martin and Betsey Cromeau; an act for the benefit of Samuel Teer and John Jacobs; an act giving certain powers to the county courts of this commonwealth; an act authorising the appointment of trustees in the town of Germantown; an act for the benefit of John Winders and John Evans; an act to establish and regulate the town of Fairfield, in Nelson county; an act to establish a turnpike on the road leading from the mouth of Big Sandy through the counties of Greenup and Lewis, in a direction to Flemingsburg; an act to regulate the town of Perryville; an act to repeal all laws passed by this state relative to the southern boundary line; an act to establish election precincts in certain counties, and for other purposes; and an act to establish an academy in the county of Hopkins; were severally read the first time. And the rule being dispensed with, they were read a second and third time.

Resolved, That the said bills do pass, and that the clerk inform the house of representatives thereof.

A message from the house of representatives, by Mr. Joseph Porter:

Mr. Speaker—The house of representatives have passed a bill entitled "an act to amend an act entitled an act to alter the division line between the counties of Pulaski and Wayne;" in which they request the concurrence of the senate.

And then he withdrew.

A bill from the house of representatives entitled "an act to declare Rough creek a navigable stream from its mouth

to Sebastian's mill," was read the first time; and the rule being dispensed with, it was read a second time, amended at the clerk's table, and read a third time.

Resolved, That the said bill as amended do pass, and that the title be amended to read "an act declaring Rough creek and Nolin navigable streams;" and that Mr. Crutcher inform the house of representatives thereof and request their concurrence in the amendments.

Bills from the house of representatives of the following titles, to wit: An act authorising the extension of certain streets in the town of Louisville; and an act for the benefit of the widow and heirs of Morgan Bryan, deceased; were severally read the first time. And the rule being dispensed with, they were read a second time and severally amended at the clerk's table and read a third time.

Resolved, That the said bills as amended do pass, and that the title of the former be amended to read "an act authorising the extension of certain streets in the towns of Louisville and Georgetown;" and that Mr. Churchill inform the house of representatives thereof and request their concurrence in the amendments.

A message from the house of representatives, by Mr. Smith:

Mr. Speaker—The house of representatives have passed a bill entitled "an act for the benefit of Polly Conway;" in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives, by Mr. W. K. Wall:

Mr. Speaker—The house of representatives have passed a bill entitled "an act to regulate the mill-dams on South and Main Lickings;" in which they request the concurrence of the senate.

And then he withdrew.

Bills from the house of representatives, to wit: An act to authorise the county courts to appoint inspectors of flour; an act for the benefit of David James; an act for the benefit of the heirs of Richard Blanton, deceased, and of William R. Hynes; an act to change the terms of the circuit courts of Jefferson, Henry and Gallatin; an act to tax banks in this commonwealth; an act to repeal an act concerning champerty and maintenance, approved December 22d 1798; an act to amend the law concerning tavern keepers; and an act to amend an act to compel circuit judges of this commonwealth to move into and reside within their respective cir-

cuits ; were severally read, the six former the first time, and the latter a second time.

The rule being dispensed with, the four former were severally read a second time and ordered to be read a third time; the fifth and sixth were ordered to be read a second time; the seventh was rejected, and the eighth ordered to be read a third time.

Ordered, That Mr. Welch inform the house of representatives that the senate are now ready to proceed to the election of a treasurer, and commissioners under the act passed the present session for the improvement of internal navigation.

A message from the house of representatives, by Mr. Underwood :

Mr. Speaker—I am directed to inform the senate that the house of representatives are now ready to proceed to the election of a treasurer and commissioners for the improvement of internal navigation ; and that the following persons stand in nomination before the house of representatives, to wit :

For treasurer—Samuel South, Peter Dudley, Richard Taylor, jr. Percival Butler, Robert Johnston, Daniel Weisiger and James L. Hickman.

As commissioners for the Kentucky river—Daniel Garrard, William Stone, Andrew Muldrew, Harrison Munday, John Yantis, Richard Taylor, Benjamin Taylor, Thomas L. Butler, John Wilkinson and Thomas B. Scott.

For Green river—Samuel Murrell, Thomas A. Covington, David C. Donan, Braxton B. Winn, Oliver C. Porter and Samuel Worthington.

For Licking river—John N. Stockwell, James Garrard, George M. Bedinger, William House, James King and Peter Barrett.

For Salt river—Philemon Waters, Samuel M'Lane, John Churchill and John Buskirk.

For Cumberland river—Adrian Hays, Samuel Newell, John Paul and Joseph R. Given.

Ordered, That Mr. Owens inform the house of representatives that the same persons stand in nomination before the senate, and Hiram Belew in addition as a commissioner for Cumberland river.

The election for treasurer was first proceeded in.

Messrs. Chambers and Johnson were appointed a committee on the part of the senate, to meet one to be appointed on the part of the house of representatives, to examine and compare the different polls, and to report to the respective

houses the state of the votes ; who retired, and after some time reported that the joint vote for treasurer stood thus :

For Mr. Samuel South 40, for Mr. Peter Dudley 8, for Mr. Richard Taylor, jr. 34, for Mr. Percival Butler 15, for Mr. Robert Johnston 12, for Mr. Daniel Weisiger 2, and for Mr. James L. Hickman 2.

Neither of the candidates having a majority of all the votes, the five candidates having the lowest number of votes were dropt.

A second ballot being taken, the committee again retired, and after some time reported that the joint vote stood thus :

For Mr. Samuel South, 61

Mr. Richard Taylor, jr. 50

Whereupon Mr. Speaker declared Mr. Samuel South duly elected treasurer of this commonwealth for the present year.

The election for commissioners was then proceeded in.

Several ballots being taken, and the committee having retired several times, finally reported that the following persons were elected commissioners for the respective navigable rivers, to wit :

For Kentucky river—John Yantis, Daniel Garrard and Richard Taylor.

For Licking river—James Garrard, William N. Stockwell and William House.

For Salt river—Philemon Waters, Samuel M'Lane and John Churchill.

For Green river—David C. Donan, Samuel Worthington and Samuel Murrell.

For Cumberland river—Joseph R. Given, John Paul and Samuel Newell.

Whereupon Mr. Speaker declared them duly elected.

A message from the house of representatives, by Mr. Baylor :

Mr. Speaker—The house of representatives have passed a bill entitled "an act supplementary to the act establishing independent banks ;" in which they request the concurrence of the senate.

And then he withdrew.

The senate received a message in writing from the lieutenant governor, by Mr. Waggener, to wit :

Gentlemen of the Senate,

Samuel South, the treasurer elect, tenders the following gentlemen as his securities for the faithful discharge of the duties of his office for the present year, to wit : George M. Bibb, Charles S. Todd, Humphrey Jones, Archibald Woods,

Richard Taylor, jun. Richard Taylor, sen. Peter Dudley, Wm. N. Lane, Joseph C. Breckenridge and William T. Barry. They are submitted to you for your approbation.
GABL. SLAUGHTER.

January 29, 1818.

Resolved, That the senate do advise and consent to said securities, and that Messrs. Jones and Bledsoe acquaint the lieutenant governor therewith.

Engrossed bills, to wit: A bill authorising the governor to let out public arms; a bill for the benefit of Peter Simmerman, Andrew Erwin and Matthew Huling; and a bill authorising Roger Oats to open a road from Monticello to the Tennessee line; were severally read a third time.

Resolved, That the two latter do pass, and that the titles be, respectively, "an act for the benefit of Peter Simmerman, Andrew Erwin and Matthew Huling," and "an act authorising Roger Oats to open a road from Monticello to the Tennessee line."

Ordered, That Mr. Owens do carry said bills to the house of representatives and request their concurrence.

A message from the house of representatives, by Mr. Bibb:

Mr. Speaker—The house of representatives have adopted the following resolution, to wit:

IN THE HOUSE OF REPRESENTATIVES, Jan. 29, 1818.

Resolved by the general assembly of the commonwealth of Kentucky, That a joint committee, to consist of one member of the senate and two from the house of representatives, be appointed to examine and ascertain the amount of monies in the treasury, to deliver it over to Samuel South, the treasurer elect, and take his receipt therefor.

Extract, &c.—Att.

R. S. TODD, C. H. R.

Which being read, amended by striking out "one" and inserting "two," and striking out "two" and inserting "four," and attaching thereto the following clause, to wit: "And that said committee do examine the accounts of the late treasurer, and ascertain the balance, if any, due from him to the commonwealth, and report thereon"—was adopted.

Ordered, That Mr. Johnson inform the house of representatives thereof, and request their concurrence in the amendments.

A bill from the house of representatives entitled "an act more effectually to prevent the escape of fugitive slaves from this commonwealth," was read the first time.

The rule being dispensed with, it was read a second time and committed to Messrs. Southgate, Chambers and Hill-
yer.

A message from the house of representatives, by Mr. Sharpe :

Mr. Speaker—The house of representatives have passed a bill from the senate entitled “an act to repeal in part an act concerning the estate of Richard Young, deceased.”

And then he withdrew.

A message from the house of representatives, by Mr. Woods :

Mr. Speaker—The house of representatives have passed bills from the senate of the following titles, to wit : An act providing for a change of venue in the case of Newett Pennington and William M'Donald ; and an act providing for a change of venue in the case of Jacob Stanger.

And then he withdrew.

A bill from the house of representatives, to amend an act entitled an act for the regulation of the town of Mountsterling, in Montgomery county, was read the first time. The rule being dispensed with, it was read a second time and ordered to be read a third time.

Mr. Johnson moved the following resolution, to wit :

Whereas the acting governor, in his message to both branches of the legislature of this state, states, that “he regrets the necessity of once more pressing on your attention the anti-republican and highly criminal practice of selling offices, which is becoming too common, indeed fashionable. Shall the public offices in the republic of Kentucky, be an article of sale in the market, or the reward of qualifications and integrity?” &c. Therefore,

Be it resolved by the senate of the commonwealth of Kentucky, That the acting governor be requested to lay before this senate any information he may possess with respect to the selling and purchasing of the public offices of this state, that laws may be enacted to prevent in future such practices, if any such exist, to prevent which the laws in force are not competent to punish and prevent.

Which was twice read and adopted.

Ordered. That Messrs. Johnson, Bledsoe and Yancey wait on the acting governor and present the same.

A message from the house of representatives, by Mr. Knight :

Mr. Speaker—The house of representatives concur in the amendments proposed by the senate to a bill entitled “an

act to amend an act incorporating the Lexington and Louisville Turnpike Road Company."

And then he withdrew.

A bill to compel the agent of the penitentiary to reside in Frankfort or its vicinity, was read a second time; and the rule being dispensed with, and it being engrossed was read a third time.

Resolved, That the said bill do pass, and that the title be "an act to compel the agent of the penitentiary to reside in Frankfort or its vicinity."

And then the senate adjourned.

FRIDAY, JANUARY 30, 1818.

The senate assembled.

A message from the house of representatives, by Mr. Reid :

Mr. Speaker—The house of representatives concur in the amendments proposed by the senate to a resolution appointing a joint committee to ascertain the monies in the treasury, deliver the same to the present treasurer and take his receipt therefor, and have appointed a committee on their part.

And then he withdrew.

Messrs. Bowmar and Yancey were then appointed a committee on the part of the senate, pursuant to said resolution.

The senate received a message in writing from the lieutenant governor, by Mr. Secretary Pope, containing certain nominations, to wit :

Gentlemen of the Senate,

I nominate for your advice and consent—William Whitsett, brigadier general of the 11th brigade, in place of Samuel Caldwell, promoted.

Robert Patterson, colonel of the 23d regiment, in place of William Whitsett, if promoted.

James Hambright, lieutenant colonel of the same regiment, in place of Robert Patterson, if promoted.

William L. Sand, major of the same regiment, in place of James Hambright, if promoted.

David R. Murray, colonel of the 59th regiment, in place of William Hardin, promoted.

Thomas Patton, lieutenant colonel of the same regiment, in place of David R. Murray, if promoted.

George Dowell, major of the same regiment, in place of Thomas Patton, if promoted.

Philip Barbour, brigadier general of the 17th brigade, in place of Stephen Ashby, promoted.

Robert Smith, colonel of the 41st regiment, in place of Philip Barbour, if promoted.

Joseph Edes, lieutenant colonel of the same regiment, in place of Robert Smith, if promoted.

William M. Rice, colonel of the 88th regiment, in place of Samuel Ireland, promoted.

Andrew Mitchell, lieutenant colonel of the same regiment, in place of William M. Rice, if promoted.

Edmund H. Taylor, keeper of the state house and public square for the present year.

John V. Bush, colonel of the 17th regiment, in place of Ambrose Eubank, resigned.

Francis F. Jackson, lieutenant colonel of the same regiment, in place of John V. Bush, if promoted.

John B. Wooldridge, agent of the Kentucky penitentiary, in place of John B. Thompson, whose commission will expire with the present session.

John Chaney, major of the 17th regiment, in place of Francis F. Jackson, if promoted.

GABL. SLAUGHTER.

January 30, 1848.

The said nominations were taken up and severally read.

Resolved, That the senate advise and consent thereto.

Ordered, That Messrs. Faulkner and Wickliff acquaint the lieutenant governor therewith.

Mr. Yancey, from the joint committee of enrolments, reported that they had examined enrolled bills of the following titles, to wit: An act to amend the act authorising a road from Estill court-house by the Goose creek salt-works, and for other purposes; an act to explain the powers and duties of the trustees of Carlisle; an act directing that the turnpike to be made from Maysville to Lexington shall pass through Mayslick and Millersburg; an act authorising the register to employ qualified clerks in his office; an act for the benefit of Robert Wellford; an act declaring a part of Robertson's creek navigable; an act for the benefit of Sally W. Boler; resolutions relative to the extinguishment of the Indian title to certain lands in this commonwealth; a resolution directing to be made out and printed lists of headright lands sold at the register's sales in November last; an act to repeal all laws passed by this state relative to the southern boundary line; and had found the same truly enrolled.

Mr. Faulkner, from the joint committee of enrolments, reported that they had examined sundry enrolled bills, of the following titles, to wit: An act giving certain powers to the county courts of this commonwealth; an act to incorporate the Kentucky Ohio Canal Company; an act to regulate the town of Perryville; an act to establish and regulate the town of Fairfield, in Nelson county; an act for the benefit of John Winders and John Evans; an act for the benefit of Samuel Ticer and John Jacobs; an act authorising the appointment of trustees in the town of Germantown; a resolution appointing a joint committee to ascertain the monies in the treasury, deliver the same to the present treasurer and take his receipt therefor; and had found the same truly enrolled.

A message from the house of representatives, by Mr. Davis:

Mr. Speaker—The speaker of the house of representatives having signed sundry enrolled bills. I am instructed to lay the same before the senate, for the signature of their speaker. And then he withdrew.

Whereupon the speaker signed said bills, being the same reported to day by Messrs. Yancey and Faulkner, and they were delivered to the joint committee, to be presented to the lieutenant governor for his approbation. And after a short time, Mr. Faulkner, from said committee, reported that they had performed that duty.

Mr. Wickliff, from the committee to whom was referred an engrossed bill authorising the governor to let out the public arms of the government, reported the same with amendments, and it was recommitted to Messrs. Owens, Simrall, Perrin and Harrison.

And after a short time, Mr. Owens, from said committee, reported an amendment in lieu of the bill.

The bill with the amendment was then ordered to be laid on the table until the 10th of March next.

A message from the house of representatives, by Mr. J. T. Johnson:

Mr. Speaker—The house of representatives have passed a bill from the senate entitled "an act concerning the Lexington, Georgetown and Danville Library Companies."

And then he withdrew.

Bills from the house of representatives of the following titles, to wit: An act for the regulation of the town of Mountsterling, in Montgomery county; and an act for the benefit

of David James ; were severally read a third time and amended at the clerk's table.

Resolved, That the said bills as amended do pass, and that Mr. Mason inform the house of representatives thereof and request their concurrence in the amendments.

Leave was given to bring in the following bills, to wit :

On the motion of Mr. Bowmar—A bill for a lottery to pave the streets of Nicholasville.

And on the motion of Mr. R. Taylor—A bill to incorporate a steam mill company at the town of Port William.

Ordered, That Messrs. Bowmar, Bledsoe and Mason be appointed a committee to prepare and bring in the first ; and Messrs. R. Taylor, Bartlett and Jones, the second.

And after a short time, Mr. Bowmar, from the first committee, reported a bill, which was read the first time ; and the rule being dispensed with, it was read a second time and ordered to be engrossed and read a third time.

A resolution from the house of representatives, requesting the acting governor to furnish the Antiquarian Society of Massachusetts with a copy of the laws and journals of this commonwealth, was taken up, twice read and concurred in.

Resolutions from the house of representatives relative to the navigation of the Ohio river, were taken up, twice read, amended and concurred in.

Ordered, That Mr. Bledsoe inform the house of representatives thereof, and request their concurrence in the amendment.

Bills from the house of representatives, to wit : An act to amend an act for the relief of John D. Pearce ; an act to amend an act entitled an act to alter the division line between the counties of Pulaski and Wayne ; an act for the benefit of Polly Conway ; and an act to enlarge the powers of the trustees of Paris ; were severally read the first time. And the rule being dispensed with, they were severally read a second and third time.

Resolved, That the said bills do pass, and that the clerk inform the house of representatives thereof.

A bill from the house of representatives entitled " an act for the benefit of the heirs of Richard Blanton, deceased, and of William R. Hynes," was read a third time and committed to Messrs. Bledsoe, Wickliff, Crutcher and Hillyer.

And after a short time, Mr. Bledsoe, from the committee, reported the bill with amendments, which being read were concurred in.

Ordered, That the bill be laid on the table.

The senate received information from the lieutenant governor, by Mr. Secretary Pope, that he did on yesterday sign an enrolled bill which originated in the senate, of the following title: An act to amend the act entitled an act to establish the town of Newport. And he returned a bill entitled "an act authorising a lottery in the town of Hardinsburg," with his objections; which were taken up and read as follows, to wit:

Gentlemen of the Senate,

I return to you a bill entitled "an act authorising a lottery in the town of Hardinsburg," with my objections.

I think lottery schemes improper and inexpedient, for the reasons assigned on several former occasions, and must therefore withhold my approbation and signature to the bill above recited.

GABL. SLAUGHTER.

January 30, 1818.

And the question being taken on the passage thereof, the governor's objections notwithstanding, it was resolved in the affirmative—Yeas 22, nays 5.

The yeas and nays thereon were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Bartlett, Barry, Bledsoe, Churchill, Crutcher, Eve, Given, Hardin, Hillyer, Johnson, Jones, Owens, Parks, Simrall, R. Taylor, H. Taylor, Thompson, Welch, Wickliff, Wilson and Werthington.

Those who voted in the negative, are, Messrs. Faulkner, Harrison, Mason, Perrin and Wood.

Resolved, That the said bill do pass, the lieutenant governor's objections notwithstanding, a majority of all the members elected voting therefor.

Ordered, That Mr. Hardin do carry said bill and objections to the house of representatives and request their concurrence.

An engrossed bill to open a road from Mountsterling to Prestonsburg, and for other purposes, was read a third time, amended and the blanks therein filled.

And the question being taken on the passage thereof, it was resolved in the affirmative—Yeas 15, nays 13.

The yeas and nays being required thereon by Messrs. Harrison and Griffin, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Barry, Bledsoe, Churchill, Hillyer, Johnson, Jones, Mason, Parks, Perrin, Simrall, Southgate, H. Taylor, Thompson, Welch and Wickliff.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Bartlett, Bridges, Crutcher, Eve, Faulkner, Given, Griffin, Harrison, Owens, R. Taylor, Wilson and Wood.

Resolved, That the said bill do pass, and that the title be "an act to open a road from Mountsterling to the Virginia line, by way of Prestonsburg, and for other purposes."

Ordered, That Mr. Mason do carry said bill to the house of representatives and request their concurrence.

A bill from the house of representatives entitled "an act to amend an act to compel circuit judges of this commonwealth to move into and reside within their respective circuits, was read a third time and amended.

The question being taken on the passage thereof, it was resolved in the affirmative—Yeas 22, nays 8.

The yeas and nays being required thereon by Messrs. Crutcher and Wickliff, were as follows, to wit :

Those who voted in the affirmative, are, Messrs. Bartlett, Barry, Bledsoe, Eve, Faulkner, Griffin, Hardin, Harrison, Hillyer, Johnson, Jones, Mason, Owens, Parks, Perrin, Simrall, Southgate, H. Taylor, Thompson, Welch, Wood and Worthington.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Bridges, Churchill, Crutcher, Given, R. Taylor, Wickliff and Wilson.

Resolved, That the said bill as amended do pass, and that Mr. Johnson inform the house of representatives thereof and request their concurrence in the amendment.

A message from the house of representatives, by Mr. Todd, their Secretary :

Mr. Speaker—The house of representatives disagree to a bill from the senate entitled "an act for the benefit of Harriet Blakemore." They have passed bills from the senate of the following titles : An act authorising county courts to discontinue public roads ; an act for the benefit of the widow and heirs of Sanford Carroll, deceased. They insist on their third amendment proposed to the bill from the senate entitled "an act for the more speedy recovery of the custody of children or wards." They concur in amendments proposed by the senate to bills and resolutions of the following titles, to wit : An act for the benefit of David James ; an act to amend an act entitled an act for the regulation of the town of Mountsterling, in Montgomery county ; an act for the benefit of the widow and heirs of Morgan Bryan, deceased ; an act authorising the extension of certain streets in the town of Louisville ; an act to provide for copying certain

records of Fayette county, which were saved when the late quarter session and county court offices were burnt, and to declare the validity thereof; an act to establish a turnpike road from Louisville to Portland and Shippingport; an act for the relief of Samuel Gadberry, of Casey county; an act regulating the fees of jailer's in this commonwealth; an act to declare Rough creek a navigable stream from its mouth to Sebastian's mill; a resolution relative to the navigation of the Ohio river; an act authorising the sale of part of the real estate of the heirs of Nathaniel Drake, deceased, with an amendment to those proposed to the latter, in which they request the concurrence of the senate.

And then he withdrew.

The amendment was taken up, read and concurred in.

Ordered, That Mr. Simrall inform the house of representatives thereof.

The speaker laid before the senate a letter from Messrs. Butler and Wood, which was read as follows, to wit:

FRANKFORT, Jan. 30, 1818.

SIR—We beg leave to state through you, to the house over which you preside, that we continue to offer our services for the binding of the Laws and Journals, as we have done for the last three years, on such terms as the legislature may deem just. At the same time, we solicit your honorable body to notice the steady increase of the public Acts for the last nine years, when they were first ordered to be bound. On examining these volumes, your honorable body will find that the pages of the Laws for 1808 amounted to 198: they were then successively 173, 115, 117, 224, 231 and 296 pages at the last session. From this average increase of one-fourth in bulk, added to the notorious rise of rent, wages and materials, we trust your honorable body will not deem an increase of one-fifth unjustified by the circumstances of the case. This will make the price of binding amount to 30 cents per copy, instead of 25, as at present. We submit the matter, however, entirely to the sense of justice in the house, and will abide by their decision, whatever it may be.

Respectfully,

BUTLER & WOOD.

The honorable Speaker of the Senate.

A bill from the house of representatives entitled "an act to incorporate the Louisville Insurance Company," was read a second time; and the rule being dispensed with, it was read a third time.

Resolved, That the said bill do pass, and that Mr. Church-ill inform the house of representatives thereof.

Mr. Given, from the joint committee of enrolments, reported that they had examined sundry enrolled bills, of the following titles : An act to repeal in part an act concerning the estate of Richard Young, deceased ; an act concerning the Lexington, Georgetown, and Danville Library Companies ; an act providing for a change of venue in the case of Jacob Stanger ; an act providing for a change of venue in the case of Newett Pennington and William M'Donald ; and had found the same truly enrolled.

A message from the house of representatives, by Mr. Davis :

Mr. Speaker—The speaker of the house of representatives having signed sundry enrolled bills, I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

Whereupon the speaker signed said bills, and they were delivered to the joint committee of enrolments, to be presented to the lieutenant governor for his approbation. And after a short time Mr. Faulkner reported that they had performed that duty.

A message from the house of representatives, by Mr. Barr :

Mr. Speaker—The house of representatives have passed bills from the senate of the following titles, to wit : An act for the benefit of Elijah Combs ; and an act to amend an act to incorporate the Kentucky Insurance Company, with amendments to the latter ; and they have passed a bill entitled "an act for the benefit of John White :—" in which they request the concurrence of the senate.

And then he withdrew.

The amendments proposed to the second bill were concurred in.

Ordered, That Mr. Barry inform the house of representatives thereof.

The bill for the benefit of John White, was read the first time ; and the rule being dispensed with, it was read a second time, amended at the clerk's table and read a third time.

Resolved, That the said bill as amended do pass, and that the title be amended to read "an act for the benefit of John White and Azariah Roberts."

Ordered, That the clerk inform the house of representatives thereof and request their concurrence in the amendments.

A message from the house of representatives, by Mr. Smith :

Mr. Speaker—The house of representatives have passed a bill entitled “an act to authorise an election of trustees in the town of Mountvernon, in Rockcastle county, and for other purposes ;” in which they request the concurrence of the senate.

And then he withdrew.

The bill was read the first time ; and the rule being dispensed with, it was read a second and third time.

Resolved, That the said bill do pass, and that the clerk inform the house of representatives thereof.

A bill from the house of representatives entitled “an act to repeal an act concerning champerty and maintenance, approved December 22d 1798,” was read a second time.

Mr. Wickliff moved to lay it on the table until the 10th of March ; and the question being taken thereon, it was resolved in the affirmative—Yeas 16, nays 10.

The yeas and nays being required thereon by Messrs. Crutcher and Wood, were as follows, to wit :

Those who voted in the affirmative, are, Messrs. Barry, Bledsoe, Bridges, Churchill, Eve, Faulkner, Given, Hill, Iyer, Jones, Southgate, R. Taylor, H. Taylor, Thompson, Welch, Wickliff and Wood.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Crutcher, Griffin, Harrison, Johnson, Mason, Owens, Perrin, Simrall and Wilson.

A bill from the house of representatives entitled “an act supplementary to the act establishing independent banks,” was read the first time ; and the rule being dispensed with it was read a second time and ordered to be read a third time.

A bill from the house of representatives entitled “an act to authorise the county courts to appoint inspectors of flour,” was read a third time and ordered to be laid on the table.

A message from the house of representatives, by Mr. Bibb :

Mr. Speaker—The house of representatives have passed a bill entitled “an act to prevent the wanton destruction of fish ;” in which they request the concurrence of the senate.

And then he withdrew.

The bill was read the first time ; and the rule being dispensed with, it was read a second and third time.

Resolved, That the said bill do pass, and that the clerk inform the house of representatives thereof.

Mr. Faulkner, from the joint committee of enrolments, reported that the committee had examined sundry enrolled bills and a resolution of the following titles, to wit: An act to amend the laws concerning the town of Frankfort; an act for the benefit of the widow and heirs of George Adams, deceased; an act for the benefit of Elizabeth Martin and Betsey Cromeen; a resolution requesting the acting governor to furnish the Antiquarian Society of Massachusetts with a copy of the Laws and Journals of this commonwealth; and had found the same truly enrolled.

A message from the house of representatives, by Mr. Todd:

Mr. Speaker—The speaker of the house of representatives having signed sundry enrolled bills, and an enrolled resolution, I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

Whereupon the speaker signed said bills, being the same just reported by Mr. Faulkner, and they were delivered to the joint committee of enrolments, to be presented to the lieutenant governor for his approbation.

Mr. Faulkner, from the joint committee of enrolments, reported that the committee had examined two enrolled bills, of the following titles: An act authorising county courts to discontinue public roads; and an act for the benefit of the widow and heirs of Sanford Carroll, deceased; and had found the same truly enrolled.

A message from the house of representatives, by Mr. White:

Mr. Speaker—The house of representatives have passed a bill entitled "an act adding a part of the counties of Shelby and Henry to the county of Franklin;" in which they request the concurrence of the senate.

And then he withdrew.

The bill was read the first time and ordered to be read a second time.

The nomination of Peyton Alford, colonel of the 57th regiment, made on the 20th instant, was taken up and read.

Mr. Welch, from the committee to whom the nomination was referred, reported it as the opinion of the committee, that the nomination ought to be confirmed.

The nomination of John Yantis as colonel, and John A. Dunn major of the same regiment, made at the same time, were also severally taken up and read.

Resolved, That the senate advise and consent to the said nominations.

Ordered, That Messrs. Wickliff and Faulkner acquaint the lieutenant governor therewith.

Mr. Bowmar, from the joint committee appointed to examine and ascertain the amount of monies in the treasury and to deliver the same over to the treasurer and take his receipt therefor, and to ascertain the balance due from the late treasurer, made the following report:

The joint committee of the senate and house of representatives appointed to examine and ascertain the amount of monies in the treasury, to deliver the same over to Samuel South, the treasurer of this commonwealth, and take his receipt therefor; and also to examine the accounts of the late treasurer and ascertain the balance, if any, due from him to the commonwealth, and report thereon; have discharged that duty, and beg leave to report: That they find that the late treasurer, since the 10th of Nov. last (which period closed his annual report,) has paid on warrants to the amount of \$59,473 13; which we have examined and find them to correspond with his entries, and also with his reports to the auditor of public accounts. We also find that there is in the bank of Kentucky deposited to the credit of the treasury, \$52,836 37, received on account of revenue, and the sum of \$5,616 79, on account of public lands; amounting in the aggregate to the sum of \$58,453 16; for which said sum of money transferred to the present treasurer, and also for the said warrants paid as aforesaid, we have taken the treasurer's receipt and filed the same with the auditor, a copy whereof is made a part of this report.

The committee have also examined the accounts of the late treasurer, and find from his accounts and reports to the auditor, that the balance with which he is chargeable amounts to \$85,926 93. There is, however, to be deducted the sum of \$864 91, entered as a suspended credit by the auditor; for which sum it is not ascertained whether a credit ought to be allowed the late treasurer. The balance will then be \$85,062 02; and on examination we find there is actually in the treasury only the sum of \$58,453 16, which leaves a balance of \$26,608 86, that the late treasurer is in arrears.—This last sum of money has been wasted or used by him, and of which no satisfactory account is rendered. Your committee are therefore of opinion, that John P. Thomas, late treasurer, is accountable to this commonwealth for the said sum of \$26,608 86. Upon this statement of the accounts

of the late treasurer, your committee recommend the adoption of the following resolution :

Resolved by the general assembly of the commonwealth of Kentucky, That the attorney general proceed to prosecute the necessary suit or suits in behalf of the commonwealth, for the recovery of said sum of \$26,608 86, from John P. Thomas, late treasurer, and his securities.

HERMAN BOWMAR,	} From the Senate.
JOEL YANCEY,	
WALKER REID,	} From the House of Rep's.
STEPHEN TRIGG,	
SAM'L. T. BEALL,	
SOLOMON P. SHARP,	

Situation of the Treasury on the 27th day of January 1818.

Nov. 10, 1817—Balance on this day, \$ 58,304 65

Monies received from the 10th Nov. to
the 27th of January 1818.

From sheriffs,	\$ 52,771 60
Clerks,	6,790 49
For forfeiture of recognizance,	1,415 34
Funds appropriated to bank stock,	
Headright lands,	11,857 34
Vacant lands,	4,805 75
Tellico lands,	181 45
	<hr/> 16,844 54

Non-residents' lands.

Redemption,	497 16
Tax,	232 79
	<hr/> 729 95

Bank of Kentucky.

For tax on individual stock,	5,990 62
Miscellaneous receipts,	131 87
Agent of the penitentiary,	2,420 00
	<hr/> 87,094 41

Warrants paid,

\$ 145,399 06
59,473 13
<hr/>

Credit suspended,

\$ 85,926 93
864 91
<hr/>

Deposits in bank,

\$ 85,062 02
58,453 16
<hr/>

\$ 26,608 86

J. MADISON, AUB.

I, Samuel South, treasurer of the state of Kentucky, do hereby acknowledge and certify that I have attended a joint committee of the senate and house of representatives appointed for that purpose, and find the accounts of the treasury of warrants paid since the 10th of November, 1817, up to the present date, to amount to fifty-nine thousand four hundred and seventy-three dollars and thirteen cents, the vouchers for which have been examined and deposited in my hands, to enable me to make up my annual report for the current year.

I do hereby also certify and acknowledge, that I have received on this day from John P. Thomas, my predecessor, the sum of fifty-eight thousand four hundred and fifty-three dollars and sixteen cents now in the treasury.

In testimony whereof, I have hereunto set my hand this 30th January, 1818.

Signed,

SAMUEL SOUTH, Tr.

Tested by

HERMAN BOWMAR,
WALKER REID,
JOEL YANCEY,
SOLOMON P. SHARP,
STEPHEN TRIGG,
SAML. T. BEALL.

Which was read, the resolution concurred in and the report and documents ordered to be laid on the table.

Mr. Johnson read and laid on the table the following resolution, to wit :

Whereas we recognize in the good people of this commonwealth the sovereign power of the same ; we recognize the right of instruction from the people to their representatives, and their obligations ; and we declare that the will of the majority of the people ought to prevail : and in relation to the question of the new election of governor and lieutenant governor, believing that a majority of the good people of this commonwealth have declared in favor of their right to a new election of governor and lieutenant governor at the ensuing general election in August next, and that the constitution of the state warrants it : Therefore,

Be it resolved by the general assembly of the commonwealth of Kentucky, That the sheriffs of the several counties in this commonwealth, do, according to the provisions of the laws regulating elections, advertise at the doors of their respective court-houses, ten days previous to the commencement of said election, that polls will be opened for the election of a

governor and lieutenant governor of this commonwealth ; and the said sheriffs shall accordingly open said polls. And the said sheriffs shall also make return of such polls, in the time and manner and to the persons required by the said act regulating elections for governor and lieutenant governor ; and shall do all such other acts and things as is required by said act in such elections, and shall be entitled to the same compensation allowed in similar cases by law.

A message from the house of representatives, by Mr. Knight :

Mr. Speaker—The house of representatives have passed a bill from the senate entitled “ an act to amend and reduce into one the several acts concerning the town of Shelbyville,” with amendments, in which they request the concurrence of the senate.

And then he withdrew.

The said amendments were taken up and concurred in.

Ordered, That Mr. Simrall inform the house of representatives thereof.

The third amendment proposed by the house of representatives to a bill entitled “ an act to amend the act entitled an act for the more speedy recovery of the custody of children or wards,” was taken up and read.

Resolved, That the senate insist on their disagreement to said amendment, and that Mr. Johnson inform the house of representatives thereof.

A message from the house of representatives, by Mr. Barr :

Mr. Speaker—The house of representatives have adopted the following resolution, to wit :

IN THE HOUSE OF REPRESENTATIVES, Jan. 30, 1818.

Resolved by the general assembly of the commonwealth of Kentucky, That the resolution for the adjournment on the 31st inst. without day, be rescinded ; and that when the legislature adjourns on the 3d day of February next, they will adjourn without day.

Extract, &c.—Att.

R. S. TODD, C. H. R.

In which they request the concurrence of the senate.

And then he withdrew.

Bills from the house of representatives of the following titles, to wit : An act to change the times of holding the circuit courts of Jefferson, Henry and Gallatin ; and an act to tax banks in this commonwealth ; were severally read a second time. And the rule being dispensed with, the former bill was read a third time.

Resolved, That the former bill do pass, and that the clerk inform the house of representatives thereof.

The latter bill was ordered to be read a third time,
And then the senate adjourned.

SATURDAY, JANUARY 31, 1818.

The senate assembled.

Mr. Yancey, from the joint committee of enrolments, reported that the committee had examined sundry enrolled bills, of the following titles, to wit: An act regulating the fees of jailers in this commonwealth; an act to enlarge the powers of the trustees of Paris; an act for the benefit of David James; an act for the relief of Samuel Gadberry, of Casey county, and William Holland, of Green county; an act to establish election precincts in certain counties, and for other purposes; an act to regulate the mill-dams on South and Main Lickings; an act to amend an act for the relief of John D. Pearce; an act to establish a turnpike on the road leading from the mouth of Big Sandy through the counties of Greenup and Lewis in a direction to Flemingsburg; an act establishing an academy in the county of Hopkins; an act for the benefit of Polly Conway; an act to amend an act entitled an act to alter the division line between the counties of Pulaski and Wayne; an act for the benefit of the widow and heirs of Morgan Bryan, deceased; resolutions relative to the navigation of the Ohio river; an act to declare Rough creek and Nolin navigable streams; an act to change the terms of the circuit courts of Jefferson, Henry and Gallatin; an act authorising the sale of part of the real estate of Nathaniel Drake, deceased; an act to amend an act entitled an act for the regulation of the town of Mountsterling, in Montgomery county; an act to amend an act incorporating the Lexington and Louisville Turnpike Road Companies; an act to incorporate the Louisville Insurance Company; and had found the same truly enrolled.

Mr. Hillyer, from the committee to whom was referred a bill from the house of representatives entitled "an act more effectually to prevent the escape of fugitive slaves from this commonwealth," reported the same with amendments; which were read, and with the bill ordered to be laid on the table.

Mr. Simrall, from the committee to whom was referred a bill from the house of representatives entitled "an act to

amend an act to amend and reduce into one the several acts respecting the militia," reported the same with amendments, which were read and concurred in.

The bill was read a third time.

Resolved, That the said bill as amended do pass, and that Mr. Simrall inform the house of representatives thereof and request their concurrence in the amendments.

Mr. Mason moved to re-consider the vote given on yesterday, amending a bill from the house of representatives entitled "an act for the benefit of John White."

Whereupon the vote was re-considered and the amendment disagreed to.

Resolved, That the said bill do pass, and that Mr. Mason inform the house of representatives thereof.

On the motion of Mr. Thompson, leave was given him to introduce a bill for the benefit of Azariah Roberts; which was read the first time. And the rule being dispensed with, it was read a second and third time.

Resolved, That the said bill do pass, and that the title be "an act for the benefit of Azariah Roberts."

Ordered, That Mr. Thompson do carry said bill to the house of representatives and request their concurrence.

A message from the house of representatives, by Mr. Barr:

Mr. Speaker—The speaker of the house of representatives having signed sundry enrolled bills, I am instructed to lay the same before the senate, for the signature of their speaker. And then he withdrew.

Whereupon the speaker signed said bills, being the same reported to-day by Mr. Yancey, and they were delivered to the joint committee of enrolments, to be presented to the lieutenant governor for his approbation. And after a short time, Mr. Yancey, from said committee, reported that they had performed that duty.

Resolutions respecting the Spanish colonies of North and South America, laid on the table the 6th inst. also the resolutions offered as a substitute, were severally taken up and read.

Mr. Faulkner moved to lay the resolutions on the table until the 10th day of March; and the question being taken thereon, it was resolved in the negative—Yeas 6, nays 19.

The yeas and nays being required thereon by Messrs. Johnson and Bledsod, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Bridges, Faulkner, Harrison, Mason and Wickliff.

Those who voted in the negative, are, Messrs. Bartlett, Barry, Bledsoe, Bowmar, Churchill, Crutcher, Eve, Griffin, Hardin, Hillyer, Johnson, Jones, Owens, Parks, Perrin, Southgate, R. Taylor, H. Taylor, Thompson and Yancey.

The question was then taken on agreeing to the substitute, and it was resolved in the negative—Yeas 10, nays 19.

The yeas and nays being required thereon by Messrs. Perrin and Owens, were as follows, to wit :

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Bridges, Churchill, Griffin, Harrison, Owens, Simrall, R. Taylor, Wickliff and Worthington.

Those who voted in the negative, are, Messrs. Bartlett, Barry, Bledsoe, Bowmar, Crutcher, Eve, Faulkner, Hardin, Hillyer, Johnson, Jones, Mason, Parks, Perrin, Southgate, H. Taylor, Thompson, Wood and Yancey.

The original resolution was then amended, and the question being taken on adopting the same as amended, it was resolved in the affirmative—Yeas 19, nays 11.

The yeas and nays having been required thereon by Messrs. Yancey and Perrin, were as follows, to wit :

Those who voted in the affirmative, are, Mr. Speaker and Messrs. Bartlett, Barry, Bledsoe, Bowmar, Bridges, Crutcher, Eve, Hardin, Hillyer, Johnson, Jones, Parks, Perrin, Southgate, H. Taylor, Thompson, Wood and Yancey.

Those who voted in the negative, are, Messrs. Churchill, Faulkner, Given, Griffin, Harrison, Mason, Owens, Simrall, R. Taylor, Wickliff and Worthington.

Ordered, That Mr. Bledsoe acquaint the house of representatives therewith, and request their concurrence.

A message from the house of representatives, by Mr. W. K. Wall :

Mr. Speaker—The house of representatives have passed bills from the senate of the following titles, to wit : An act for the relief of James Swiggett, of Casey county ; and an act authorising the county court of Harrison to lay an additional levy.

And then he withdrew.

The senate received a message in writing from the lieutenant governor, by Mr. Secretary Pope, containing certain nominations, to wit :

Gentlemen of the Senate,

I nominate for your advice and consent the following persons to be commissioned justices of the peace in and for the county of Whitley, viz. Edward Riley, John Berry, Uriah Parks, Francis Faulkner, Lawrence Clarke, Samuel Cox

and Isaac King. Also Burton Litton, as sheriff; and Charles Rack Holt, as coroner.

Also, Cuthbert Banks, notary public in and for the county of Montgomery.

James Quiett, colonel of the 47th regiment, in place of James M'Clellan, resigned.

Henry Ellis, lieutenant colonel of the same regiment, in place of James Quiett, if promoted.

Christopher Chinn, escheator in and for the county of Mercer.

GABL. SLAUGHTER.

January 31, 1818.

The senate received information by Mr. Secretary Pope, that the lieutenant governor did on the 30th inst. approve and sign sundry enrolled bills which originated in the senate, of the following titles, to wit: An act incorporating the Kentucky Ohio Canal Company; an act to repeal in part an act concerning the estate of Richard Young, deceased; an act concerning the Lexington, Georgetown and Danville Library Companies; an act for the benefit of the widow and heirs of Sanford Carroll, deceased; an act providing for a change of venue in the case of Newett Pennington and William M'Donald. And returned an enrolled bill entitled "an act to incorporate Sanders's Manufacturing Company," with the governor's objections, which were taken up and read as follows, to wit:

Gentlemen of the Senate,

I return with my objections the enrolled bill entitled "an act to incorporate Sanders's Manufacturing Company."

With a sincere disposition to co-operate with the legislature in all measures calculated to promote the agriculture, commerce and manufactures of the state, I am constrained to withhold my approbation and signature to the bill before recited, upon the grounds and for the reasons hereinafter stated. The bill provides for incorporating a company, by the name and style of "Sanders's Manufacturing Company," with a capital of three hundred thousand dollars, divided into shares of fifty dollars each, to be under the management of seven directors, to be chosen in the manner and at the time therein specified. That Sanders's manufacturing establishment, with sixty acres of land, and the buildings thereon, the machinery, tools, &c. are to be valued by persons named in the bill; the whole amount of which valuation said Sanders is authorised to subscribe, towards forming the capital stock of the said corporation; the residue of

the stock to be subscribed to be paid in instalments in gold and silver, or in current notes therein mentioned; the one half of the capital to be employed in manufacturing, the other half the corporation is authorised to use and employ in banking. The total amount of the notes thrown into circulation of the said corporation, is not to exceed at any time double the amount of their capital. The bill contains many other provisions, some of which are similar to regulations contained in the charters for banking heretofore granted by the legislature of this commonwealth. I have noticed only so much of the bill as is necessary to show the ground of my objections. It appears to me defective, and objectionable, for the following causes: 1st, Because a bank circulation is authorised, without requiring a fund of specie, or current notes to sustain it. 2d, Notes may be issued to double the amount of the whole capital stock, instead of the money capital which may be collected and set apart for banking purposes. 3d, It contains no check on the undue influence of individual stockholders, they not being limited to thirty votes, as in the state bank, and independent banks; nor is one person prohibited from holding more than one-eighth part of the capital stock, as in the independent banks. 4th, There is no provision for forfeiting the privileges contemplated by the bill, upon the failure of the corporation to redeem their notes in specie or current notes, a penalty imposed on every bank by the act passed at the present session to establish independent banks in this commonwealth. 5th, No tax is imposed on the stock which may be employed in banking, and there does not seem to me to be any good ground, in this government of equal laws, for exempting the stock of this bank from the tax common to all others in the state.

It will be perceived, that by the bill the corporation to be established may commence the issue of paper, bearing the stamp of bank notes, and throw into circulation double the amount of the estimated value of Lewis Sanders's land and manufacturing establishment, without a single dollar to redeem them. It is not required by any provision in the bill, that a single share should be subscribed, or paid in specie or current notes, to authorise the corporation to issue their paper. To guard the community as far as practicable against a false or delusive currency, is among the first duties of government. I am entirely willing to aid and foster manufactures, as far as may be consistent with the maxims of prudence and sound policy, and those equal privileges

which belong to the nature and genius of our government; but I beg leave to enter my solemn protest against banking privileges, or emissions of paper stamped with the marks and character of money, without an adequate fund of specie, or other sound and stable currency, with proper restrictions and precautions to secure the faithful and punctual redemption of it.

GABL. SLAUGHTER.

January 31, 1813.

And the question being taken on the passage thereof, the governor's objections notwithstanding, it was resolved in the affirmative—Yeas 26, nays 2.

The yeas and nays thereon were as follows, to wit :

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Bartlett, Barry, Bledsoe, Bowmar, Bridges, Eve, Faulkner, Hardin, Hillyer, Johnson, Jones, Mason, Owens, Parks, Perrin, Simrall, Southgate, R. Taylor, H. Taylor, Thompson, Welch, Wickliff, Wood, Worthington and Yancey.

Those who voted in the negative, are, Messrs. Given and Harrison.

Resolved, That the said bill do pass, the governor's objections notwithstanding.

Ordered, That Mr. Bledsoe inform the house of representatives thereof, and request their concurrence.

A message from the house of representatives, by Mr. Parsons :

Mr. Speaker—The house of representatives have passed a bill from the senate entitled "an act further to indulge the settlers on the lands acquired by the treaty of Tellico to pay the state price on their claims."

And then he withdrew.

A message from the house of representatives, by Mr. Barr :

Mr. Speaker—The house of representatives have passed a bill entitled "an act authorising a lottery in the town of Hardinsburg," the governor's objections notwithstanding, a majority of all the members elected voting therefor.

And then he withdrew.

A message from the house of representatives, by Mr. Haynes :

Mr. Speaker—The house of representatives have passed a bill from the senate entitled "an act for the benefit of Charlotte Greer and the heirs of Moses Greer, deceased.

And then he withdrew.

A message from the house of representatives, by Mr. Knight:

Mr. Speaker—The house of representatives have passed bills from the senate of the following titles, to wit: An act for the benefit of the citizens of Lebanon, in Washington county; and an act to authorise the county courts of Nelson and Shelby to build a permanent bridge across Salt river.

And then he withdrew.

A message from the house of representatives, by Mr. Patton:

Mr. Speaker—The house of representatives disagree to a resolution from the senate authorising the secretary of state to procure parchment for enrolled bills.

And then he withdrew.

On the motion of Mr. Barry, leave was given him to introduce a bill supplemental to the act incorporating Sanders's Manufacturing Company; which was read the first time, and the rule being dispensed with it was read a second time. The same having been engrossed, was read a third time.

Resolved, That the said bill do pass, and that the title be "an act supplemental to the act incorporating Sanders's Manufacturing Company."

Ordered, That Mr. Barry do carry said bill to the house of representatives and request their concurrence.

A message from the house of representatives, by Mr. Reid:

Mr. Speaker—The house of representatives recede from their third amendment to a bill from the senate entitled "an act to amend the act entitled an act for the more speedy recovery of the custody of children or wards;" and they have adopted the following resolution, to wit:

IN THE HOUSE OF REPRESENTATIVES, Jan. 31, 1818.

Resolved by the general assembly of the commonwealth of Kentucky, That the auditor of public accounts be, and he is hereby authorised to employ at public expence an additional counsellor or attorney to assist the attorney-general in the prosecution of such suit or suits as it may be necessary to institute against John P. Thomas, late treasurer, and his securities; provided more than the sum of one hundred and fifty dollars shall not be given as a compensation of such additional counsel.

Extract, &c.—Att.

R. S. TODD, C. H. R.

In which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives, by Mr. Thompson :

Mr. Speaker—The house of representatives have passed a bill from the senate entitled “an act concerning the town of Danville.”

And then he withdrew.

An engrossed bill authorising a lottery in Nicholasville and Lexington, was read a third time and amended.

Resolved, That the said bill do pass, and that the title be “an act authorising lotteries in Nicholasville and Lexington.”

Ordered, That Mr. Bowmar do carry said bill to the house of representatives and request their concurrence.

A bill from the house of representatives entitled “an act for the benefit of the heirs of Richard Blanton, deceased, and of William R. Hynes,” was read a third time as amended.

Resolved, That that the said bill as amended do pass, and that the title be amended to read “an act for the benefit of the heirs of Richard Blanton, deceased.”

Ordered, That Mr. Wickliff inform the house of representatives thereof and request their concurrence in the amendments.

On the motion of Mr. Welch, leave is given him to introduce a bill declaring part of Green river navigable ; which was read the first time, and the rule being dispensed with it was read a second time ; and the same having been engrossed, was read a third time.

Resolved, That the said bill do pass, and that the title be “an act declaring part of Green river navigable.”

Ordered, That Mr. Welch do carry said bill to the house of representatives and request their concurrence.

The resolution declaring the right of the people to have a new election of governor and lieutenant governor, laid on the table yesterday, was taken up and amended.

Mr. Owens moved to lay the resolution on the table until the 10th of July next ; and the question being taken thereon, it was resolved in the affirmative—Yeas 18, nays 13.

The yeas and nays being required thereon by Messrs. Crutcher and Owens, were as follows, to wit :

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Bartlett, Bridges, Churchill, Crutcher, Faulkner, Griffin, Hardin, Harrison, Hillyer, Jones, Mason, Owens, Simrall, R. Taylor, Welch, Wickliff and Worthington.

Those who voted in the negative, are, Messrs. Barry, Bledsoe, Bowmar, Chambers, Eve, Given, Johnson, Parks, Perrin, H. Taylor, Thompson, Wood and Yancey.

The resolution from the house of representatives rescinding the resolution for the adjournment of the legislature, and fixing on the day for the adjournment, was taken up; and the question being taken on concurring therein, it was resolved in the affirmative—Yeas 19, nays 11.

The yeas and nays being required thereon by Messrs. Faulkner and Bridges, were as follows, to wit :

Those who voted in the affirmative, are, Messrs. Bartlett, Barry, Bledsoe, Bowmar, Bridges, Hardin, Harrison, Hillier, Johnson, Jones, Mason, Parks, Perrin, Simrall, R. Taylor, H. Taylor, Thompson, Welch and Yancey.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Crutcher, Eve, Faulkner, Given, Griffin, Owens, Southgate, Wickliff, Wood and Worthington.

Ordered, That Mr. Johnson inform the house of representatives thereof.

A message from the house of representatives, by Mr. Shacklett :

Mr. Speaker—The house of representatives have passed a bill from the senate entitled “an act allowing further time to survey seminary lands in this commonwealth,” with an amendment; and they have adopted the following resolutions, to wit :

IN THE HOUSE OF REPRESENTATIVES, Jan. 31, 1818.

To the Congress of the United States of America.

The memorial of the general assembly of the commonwealth of Kentucky, respectfully represents : That for many years past an unpleasant controversy has existed between this state and the state of Tennessee, relative to the boundary line between them. Many attempts have been made to settle the difference, to the mutual satisfaction of both states, but hitherto all these attempts have been unavailing ; and judging from the past, there remains very little ground of hope that the dispute will be adjusted by amicable arrangement and mutual concession. As far back as the year 1801, the legislature of Kentucky passed an act, the object of which was to ascertain and mark the true position of the boundary line between the two states, according to their chartered limits. This act was repealed at the next session of the general assembly of this commonwealth. In the year 1812, the subject was again taken up by the legislature of Kentucky, and an act passed authorising the appointment of commissioners, to co-operate with commissioners to be appointed on the part of the state of Tennessee, for the purpose of running and marking the boundary line between the two states according to its

true position. This act was predicated on a resolution passed by the general assembly of the state of Tennessee, the provisions of which were promptly acceded to by this state. It was at this period that the people of Kentucky contemplated a speedy termination of the difference between the two states. Both parties had assented to the same proposition, and public faith seemed to stand pledged to carry into effect the mutual agreement. But this fair prospect was soon darkened by the conduct of the state of Tennessee. The state of Kentucky saw with regret, that the state of Tennessee would not abide by the terms which she had at first proposed. She abandoned her own propositions, and by the departure defeated the adjustment of the existing difference. The consequence of this conduct on the part of the state of Tennessee, was the passage of an act by the general assembly of Kentucky, in the year 1813, requesting the governor of this state to communicate to the executive and legislature of the state of Tennessee, the ultimate determination of our government on the subject of the boundary between the two states. By this act of 1813 our executive was requested to solicit from the government of the state of Tennessee a recognition of the principles contained in the resolutions adopted by the state of Tennessee, in pursuance of which our act of assembly in 1812 had been passed, and the adoption of the necessary measures for carrying the same into complete operation : and further, to express to the government of Tennessee, in case of their final rejection of the overture made by the act of 1813, that the disagreeable necessity of having the contested question of boundary finally settled by a resort to the means pointed out by the constitution of the United States, for the decision of such controversies, would be imposed upon the government of Kentucky. The government of the state of Tennessee gave no official answer to the communications made in pursuance of the act of 1813. Her failure produced a memorial by the legislature of Kentucky to your body, asking the interference of congress as the last resort for settling the controversy, all other means having apparently failed, approved by the executive of this state February 1st 1814. During the session of the general assembly of this state in the winter of 1815-16, the state of Tennessee sent a commissioner to our government, authorised to renew the negotiations between the two states on the subject of boundary. He was heard at the bar of the house of representatives. The result was the passage of a law on our part, approved February 10th 1816, the provisions of which, in the opinion of this legislature, are li-

beral, as it relates to the state of Tennessee. The people of this state waited with much anxiety for the meeting of the legislature of the state of Tennessee after the passage of the act of 1816. It was hoped that the government of Tennessee would not hesitate to accede to all the propositions contained in our act of 1816; but in this we have been greatly disappointed. It is true that the legislature of Tennessee took up the subject at their last session, and passed an act concerning it; but its provisions fall very far short of those contained in our act of 1816, and are such as cannot meet with the approbation of this legislature. This assembly is constrained to regard the failure on the part of the state of Tennessee to reciprocate the provisions of the act of 1816, as evincing a disposition to delay the settlement of the controversy, unless done upon terms derogatory to the interests and rights of Kentucky. It therefore becomes the imperious duty of this assembly to appeal to your body as the arbiter, under the authority of the constitution of the United States, to point out the mode by which the contest unhappily existing shall be decided. The laws which the legislature of Kentucky has passed on the subject, and to which your body is referred for more particular information, will prove that our state has not been wanting in exertions to have the difference amicably adjusted. It is conceded on all sides that the true line should run on a parallel of $36^{\circ} 30'$ north latitude. The constitutions of the state of North-Carolina and Tennessee both recognize that latitude as limiting their northern boundary; and in this they coincide with the charter of king Charles II. It is presumed that no objection can be made to the establishment of the true line, unless it be on account of the effect it will probably have on individual rights to land lying between the said latitude and what is now called Walker's line, to which at present both states exercise jurisdiction. To obviate this objection, the legislature of Kentucky will be governed by the most liberal principles. If the establishment of the true line should operate so as to give more territory to this state, whereby many persons, now citizens of Tennessee, living on lands, title to which they have derived by grant from the states of North Carolina or Tennessee, this legislature doth pledge the faith and character of Kentucky to ratify all such claims, wherever they do not interfere with claims founded on the land laws of the state of Virginia, or of this state; and where they do so interfere, the occupant in all cases shall have the benefit of the laws in force in this state for the time being, made for the protection of occupying claimants, the state of limitations

excepted. The unsettled state of the line is calculated to have an effect in the formation of new counties which bind on it. To particularize all the evils to the state, and especially to those individuals who have claims to land founded on the laws of Virginia and this state, lying within our chartered limits, and who are kept from the enjoyment of those rights by the present exercise of jurisdiction over their lands by the state of Tennessee, would be unnecessary. Nothing short of the establishment of the line between this state and the state of Tennessee, according to its true latitude, will now comport with the wishes of this legislature; and as it is a right appertaining to our state, which can only be enforced by the supreme court of the United States, acting under the wise provisions of the constitution of the United States, we ask of your body the passage of a law directing the proceedings in the supreme court by which one state having a subject of difference with another, may have the same legally decided. To effectuate this desirable object, this general assembly concur in the following resolutions, to wit:

Resolved by the general assembly of the commonwealth of Kentucky, That the foregoing memorial to congress be adopted as the earnest prayer of this legislature.

Resolved, That the acting governor of this state be, and he is hereby requested to transmit a copy of this memorial and resolutions, and copies of all laws passed by the legislature of Kentucky, and all laws and resolutions passed by the legislature of Tennessee alluded to in the foregoing memorial, to each of our senators and representatives in congress, to be by them laid before that body.

Resolved, That our senators in congress are hereby instructed and our representatives requested to use their exertions to effectuate the object of this memorial.

Resolved, That the acting governor be, and he is hereby also requested to transmit copies of this memorial and resolutions, and copies of all laws and resolutions passed by the legislatures of this state and Tennessee, to each of the senators and representatives of the state of Tennessee in the congress of the United States.

Resolved, That our senators and representatives in congress be, and they are hereby requested to report to the governor of this state the steps which they may take to effectuate the object of the foregoing memorial, and the result to be by the governor laid before the next general assembly.

Extract, &c.—Att.

R. S. TODD, C. H. R.

In which they request the concurrence of the senate.
And then he withdrew.

Mr. Yancey, from the joint committee of enrolments, reported that they had examined sundry enrolled bills, of the following titles, to wit: An act for the benefit of Charlotte Greer and the heirs of Moses Greer, deceased; an act further to indulge the settlers on the lands acquired by the treaty of Tellico; an act for the benefit of the citizens of Lebanon, in Washington county; an act concerning the town of Danville; an act to amend an act to incorporate the Kentucky Insurance Company; an act authorising county courts to discontinue public roads; an act for the benefit of James Swiggett, of Casey county; an act authorising the county court of Harrison to lay an additional levy; an act to repeal the act entitled an act for the more speedy recovery of the custody of children or wards; an act to provide for copying certain records of Fayette county, which were saved when the late quarter session and county court offices were burnt, and to declare the validity thereof; and had found the same truly enrolled.

A message from the house of representatives, by Mr. Davis:

Mr. Speaker—The speaker of the house of representatives having signed sundry enrolled bills, I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

Whereupon the speaker signed said bills, being those last reported by Mr. Yancey, and they were delivered to the joint committee of enrolments, to be presented to the lieutenant governor for his approbation. And after a short time, Mr. Yancey reported that the committee had performed that duty.

A message from the house of representatives, by Mr. Reid:

Mr. Speaker—The house of representatives have passed a bill from the senate entitled "an act to repeal the acts concerning billiard tables," with amendments, in which they request the concurrence of the senate.

And then he withdrew.

The amendments were taken up and disagreed to.
Ordered, That Mr. Crutcher inform the house of representatives thereof.

A bill for classing tobacco, was taken up and ordered to be engrossed and read a third time: which having been engrossed was read accordingly.

Resolved, That the said bill do pass, and that the title be "an act for classing tobacco."

Ordered, That Mr. Johnson do carry said bill to the house of representatives and request their concurrence.

A message from the house of representatives, by Mr. Woods :

Mr. Speaker—The house of representatives have passed a bill from the senate entitled "an act to incorporate the Fayette and Madison Turnpike Company," with amendments, in which they request the concurrence of the senate.

And then he withdrew.

The amendments were taken up and concurred in.

Ordered, That Mr. Barry inform the house of representatives thereof.

A message from the house of representatives, by Mr. Baylor :

Mr. Speaker—The house of representatives have passed a bill from the senate entitled "an act supplemental to an act to establish independent banks in this commonwealth," with amendments ; in which they request the concurrence of the senate.

And then he withdrew.

The amendments were taken up and read ; the first disagreed to and the second concurred in.

Ordered, That Mr. Owens inform the house of representatives thereof.

A message from the house of representatives, by Mr. Barr :

Mr. Speaker—The house of representatives have passed a bill from the senate entitled "an act to incorporate Sanders Manufacturing Company," the lieutenant governor's objections notwithstanding, a majority of all the members elected voting therefor ; and they have passed a bill from the senate entitled "an act supplemental to the act incorporating Sanders Manufacturing Company," with an amendment, in which they request the concurrence of the senate.

And then he withdrew.

The amendment was taken up and concurred in.

Ordered, That Mr. Barry inform the house of representatives thereof.

And then the senate adjourned.

MONDAY, FEBRUARY 2, 1818.

The senate assembled.

Mr. Churchill presented the petition of Samuel N. Luckett, praying that a law may be passed authorising him to erect a toll bridge across Harrod's creek, at the falls thereof; which was read and referred to Messrs. Churchill, Worthington and Wickliff, who have leave to report by bill or otherwise.

And after a short time, Mr. Churchill reported a bill for the erection of a bridge across Harrod's creek, in Jefferson county, which was read the first time; and the rule being dispensed with, it was read a second time, amended and ordered to be engrossed and read a third time; and having been engrossed, was read a third time.

Resolved, That the said bill do pass, and that the title be "an act authorising the erection of a toll bridge across Harrod's creek, in Jefferson county."

Ordered, That Mr. Churchill do carry said bill to the house of representatives and request their concurrence.

The nominations made on Saturday, were taken up and read.

Resolved, That the senate advise and consent thereto.

Ordered, That Messrs. Eve, Bartlett and Given acquaint the lieutenant governor therewith.

The nominations of William Ray, colonel of the 4th regiment, and Martin Hardin, lieutenant colonel of the same regiment, made on the 20th January, were taken up and read.

Resolved, That the senate advise and consent thereto.

Ordered, That Messrs. Harrison and Chambers acquaint the lieutenant governor therewith.

Mr. R. Taylor, from the committee appointed for that purpose, reported a bill to incorporate the Gallatin Steam Mill Company; which was read the first time. The rule being dispensed with, it was read a second time and ordered to be engrossed and read a third time; and having been engrossed, was read a third time.

Resolved, That the said bill do pass, and that the title be "an act to incorporate the Gallatin Steam Mill Company."

Ordered, That Mr. Churchill do carry said bill to the house of representatives and request their concurrence.

On the motion of Mr. Owens, leave was given to bring in a bill to repeal the several acts authorising county courts to compel hands to work on navigable streams; and Messrs.

Owens, Harrison and Worthington were appointed a committee to prepare and bring in the same.

And after a short time, Mr. Owens reported a bill, which was read the first time ; and the rule being dispensed with, it was read a second time and ordered to be engrossed and read a third time ; and having been engrossed, was read a third time accordingly.

Resolved, That the said bill do pass, and that the title be "an act to repeal the several acts authorising county courts to compel hands to work on navigable streams."

Ordered, That Mr. Churchill do carry said bill to the house of representatives and request their concurrence.

A message from the house of representatives, by Mr. Payne :

Mr. Speaker—The house of representatives have passed a bill from the senate entitled "an act to authorise the trustees of Maysville, in Mason county, to increase their tax," with an amendment, in which they request the concurrence of the senate.

And then he withdrew.

The amendment was taken up and concurred in.

Ordered, That Mr. Chambers inform the house of representatives thereof.

On the motion of Mr. Johnson,

Ordered, That the public printers forthwith print 150 copies of the act for the improvement of internal navigation, together with the names of the commissioners for the different navigable streams, for the use of the members of the legislature.

A message from the house of representatives, by Mr. Baylor :

Mr. Speaker—The house of representatives concur in a resolution from the senate for appointing joint committees to examine and report the state of the secretary's and adjutant general's offices ; and have appointed committees on their part.

And then he withdrew.

Whereupon Messrs. Simrall and Jones were appointed a committee pursuant to said resolution to examine the adjutant general's office, and Messrs. Bledsoe and Bowmar to examine the secretary's office.

A bill from the house of representatives entitled "an act to tax banks in this commonwealth," was read a third time.

Mr. Johnson moved to commit the bill to a select committee ; and the question being taken thereon, it was resolved in the affirmative—Yeas 16, nays 15.

The yeas and nays being required thereon by Messrs. Wickliff and Bridges, were as follows, to wit :

Those who voted in the affirmative, are, Messrs. Bartlett, Barry, Bledsoe, Bowmar, Chambers, Churchill, Hardin, Hillyer, Johnson, Parks, Perrin, Simrall, H. Taylor, Welch, Wood and Yancey.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Bridges, Crutcher, Faulkner, Given, Griffin, Harrison, Jones, Mason, Owens, Southgate, R. Taylor, Wickliff, Wilson and Worthington.

Whereupon the bill was committed to Messrs. Johnson, Simrall and Southgate.

A resolution from the house of representatives authorising the auditor of public accounts to employ additional counsel to prosecute suits against the late treasurer, was taken up and concurred in.

Ordered, That Mr. Johnson inform the house of representatives thereof.

A memorial and resolutions from the house of representatives relative to the boundary line between this state and the state of Tennessee, was taken up, read and concurred in.

Ordered, That Mr. Johnson inform the house of representatives thereof.

Mr. Owens moved the following resolution, to wit :

Whereas the will of the people is the foundation of all legitimate power : the senate of Kentucky can never hesitate to sanction a principle which they believe to be vitally connected with the cause of freedom ; as little can they hesitate to recognize the maxim contained in the acting governor's communication to this legislature, that the deliberate will of the people, constitutionally expressed, must and ought to prevail. The duty of the representative to obey this deliberate will, has been often expressly acknowledged by the legislature of Kentucky ; and it is confidently presumed that no political axiom is more generally admitted, or more uniformly acted upon. A majority of both branches of the legislature, acting in conformity to this principle, have agreed on the propriety of submitting to the good people of this commonwealth, at the next August election, the expediency of calling a convention ; and nothing but the casual indisposition of one member of the assembly, prevented this expression of the sentiment of the people's representatives from going into full effect. The senate are disposed to consider this vote as an unequivocal expression of the will of the people ; but if this should admit of doubt in the minds of any,

it is self-evident, from the nature of our free government, that whenever a serious and general difference of opinion exists among the great body of the people, as to the meaning of several of the most important provisions in their constitution, it cannot but be in conformity to their will to give them an opportunity to say whether they will, or not, exercise their natural right, to revise, alter or amend their form of government. Wherefore,

Resolved by the senate of Kentucky, That it be recommended to the sheriffs of the several counties in this commonwealth, and to the judges of elections that may be appointed by the several county courts to preside over the several elections in August next, to invite every qualified elector who shall present himself to vote at the election, to express his opinion for or against the calling of a convention; and the sheriffs and judges aforesaid are hereby requested to cause the yeas and nays to this question to be recorded in two separate columns, ruled and prepared for that purpose, and to make a return of the same as of the other votes given in at the election, to the secretary of state for the time being.

Mr. Faulkner moved to lay it on the table until the 4th of July next; and the question being taken thereon, it was resolved in the affirmative—Yeas 14, nays 11.

The yeas and nays being required thereon by Messrs. Owens and Given, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Bartlett, Barry, Bledsoe, Bowmar, Chambers, Faulkner, Mason, Parks, Perrin, Simrall, R. Taylor, H. Taylor and Yancey.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Crutcher, Given, Griffin, Harrison, Hillyer, Johnson, Owens, Wickliff, Wilson and Wood.

A message from the house of representatives, by Mr. Wm. Walker:

Mr. Speaker—The house of representatives have passed a bill from the senate entitled “an act to amend an act entitled an act for the benefit of Caty and Rosa Bennett, approved January 28, 1817.”

And then he withdrew.

The senate took up the amendment proposed by the house of representatives to a bill entitled “an act allowing further time to survey seminary lands in this commonwealth, and for other purposes;” which being read was concurred in.

Ordered, That Mr. Owens inform the house of representatives thereof.

The amendments reported by the committee to whom the bill for altering the mode of taking in lists of taxable property, were taken up and disagreed to.

Mr. Owens then moved to lay the bill on the table until the 31st of July next ; and the question being taken thereon, it was resolved in the affirmative—Yeas 17. nays 15.

The yeas and nays being required thereon by Messrs. Crutcher and Perrin, were as follows, to wit :

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Barry, Faulkner, Given, Griffin, Hardin, Hillyer, Jones, Owens, Parks, Perrin, Southgate, Wickliff, Wilson, Wood, Worthington and Yancey.

Those who voted in the negative, are, Messrs. Bartlett, Bledsoe, Bowmar, Bridges, Chambers, Churchill, Crutcher, Eve, Harrison, Johnson, Mason, Simrall, R. Taylor and H. Taylor.

A message from the house of representatives, by Mr. Payne :

Mr. Speaker—The house of representatives recede from their second amendment to a bill from the senate entitled “an act supplemental to the act establishing independent banks in this commonwealth.”

And then he withdrew.

A bill from the house of representatives entitled “an act adding a part of the counties of Shelby and Henry to the county of Franklin,” was read a second time, and committed to Messrs. R. Taylor, Simrall, Bartlett, Crutcher and Perrin.

A message from the house of representatives, by Mr. Barr :

Mr. Speaker—The house of representatives have passed a bill from the senate entitled “an act further to regulate the Transylvania University.”

And then he withdrew.

Mr. Yancey, from the joint committee of enrolments, reported that the committee had examined sundry enrolled bills and an enrolled resolution of the following titles, to wit: An act to authorise the trustees of Maysville, in Mason county, to increase their tax ; an act supplemental to the act incorporating Sanders Manufacturing Company ; a resolution appointing a joint committee to examine into and report the situation of the secretary's and adjutant general's offices ; an act to establish a turnpike road from Louisville to Portland and Shippingport ; and had found the same truly enrolled.

A message from the house of representatives, by Mr. Davis :

Mr. Speaker—The speaker of the house of representatives having signed sundry enrolled bills. I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

Whereupon the speaker signed said bills, being the same just reported by Mr. Yancey, and they were delivered to the joint committee of enrolments, to be presented to the lieutenant governor for his approbation. And after a short time Mr. Yancey, from said committee, reported that they had performed that duty.

The senate received information from the lieutenant governor, by Mr. Secretary Pope, that he did on to-day approve and sign an enrolled resolution for appointing a joint committee to examine into and report the situation of the secretary's and adjutant general's offices ; and laid before the senate a message in writing from the lieutenant governor, to wit :

Gentlemen of the Senate,

In answer to your resolution of the 29th of last month, requesting information respecting the selling and purchasing of the public offices of this commonwealth, I have only to observe, that I possess no information upon the subject more than I presume is within the knowledge of many members of the legislature. I have understood that indirect sales have been made of public offices in many instances, but more particularly the offices of sheriff and clerk. I have heard of three or four instances, within the last two years, of clerkships having been sold, directly or indirectly, for very considerable sums of money. I can not suppose that you expect me to give names or particular facts. I have every reason to believe the information I have received on this subject to be correct.

GABL. SLAUGHTER.

February 2, 1818.

Mr. Johnson, from the select committee to whom was referred a bill from the house of representatives entitled "an act to tax banks in this commonwealth," reported the same with amendments ; which were severally read and disagreed to.

Mr. Welch then moved to lay the bill on the table until the 10th of March next ; and the question being taken thereon, it was resolved in the negative—Yeas 7, nays 25.

The yeas and nays being required thereon by Messrs. Welch and Griffin, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Barry, Bledsoe, Churchill, Eve, Hardin, Parks and Welch.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Bartlett, Bowmar, Bridges, Chambers, Crutcher, Faulkner, Given, Griffin, Harrison, Hillyer, Johnson, Jones, Mason, Owens, Perrin, Simrall, Southgate, R. Taylor, H. Taylor, Wickliff, Wilson, Wood, Worthington and Yancey.

The question was then taken on the passage of the bill, and it was resolved in the affirmative—Yeas 24, nays 8.

The yeas and nays being required thereon by Messrs. Wickliff and Griffin, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker and Messrs. Bartlett, Bowmar, Bridges, Chambers, Crutcher, Faulkner, Given, Griffin, Harrison, Hillyer, Jones, Mason, Owens, Perrin, Simrall, Southgate, R. Taylor, H. Taylor, Wickliff, Wilson, Wood, Worthington and Yancey.

Those who voted in the negative, are, Messrs. Barry, Bledsoe, Churchill, Eve, Hardin, Johnson, Parks and Welch.

Resolved, That the said bill do pass, and that Mr. Crutcher inform the house of representatives thereof.

And then the senate adjourned.

TUESDAY, FEBRUARY 3, 1818.

The senate assembled.

Mr. Yancey, from the joint committee of enrolments, reported that they had examined enrolled bills and resolutions of the following titles, to wit: An act allowing further time to survey seminary lands in this commonwealth, and for other purposes; an act to amend the act entitled an act for the benefit of Caty and Rosa Bennett, approved January 28, 1817; an act further to regulate the Transylvania University; an act supplemental to the act establishing independent banks in this commonwealth; an act to incorporate the Fayette and Madison Turnpike Company, and for other purposes; resolutions relative to the boundary line between this state and the state of Tennessee; resolutions authorising the auditor of public accounts to employ additional counsel to prosecute suit against the late treasurer; an act to tax banks in this commonwealth; an act for

the benefit of James S. Magowan; and found the same truly enrolled.

A message from the house of representatives, by Mr. Davis :

Mr. Speaker—The speaker of the house of representatives having signed sundry-enrolled bills and resolutions, I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

Whereupon the speaker signed said bills and resolutions, being the same just reported by Mr. Yancey, and they were delivered to the joint committee of enrolments, to be presented to the lieutenant governor for his approbation. And after a short time, Mr. Yancey reported that the committee had performed that duty.

Leave was given to bring in the following bills, to wit :

On the motion of Mr. Barry—A bill to authorise a lottery for the benefit of the contributors of the Fayette Hospital.

And on the motion of Mr. Churchill—A bill supplemental to an act entitled an act for extending certain streets in the towns of Louisville and Georgetown.

Ordered, That Messrs. Barry, Hillyer and Bledsoe prepare and bring in the first; and Messrs. Churchill, Hillyer and Barry the second.

And after a short time, Mr. Barry from the first committee, and Mr. Churchill from the second, severally reported bills; which were read the first time and ordered to be read a second time. The rule being dispensed with, they were read a second time, and ordered to be engrossed and read a third time; and having been engrossed, were read accordingly.

Resolved, That the said bills do pass, and that the titles be, respectively, “an act to authorise a lottery for the benefit of the contributors of the Fayette Hospital,” and “an act supplemental to an act entitled an act for extending certain streets in the towns of Louisville and Georgetown.”

Ordered, That Mr. Barry do carry the first, and Mr. Churchill the second, to the house of representatives and request their concurrence.

A message from the house of representatives, by Mr. Todd :

Mr. Speaker—The house of representatives have passed a bill from the senate entitled “an act authorising lotteries in Nicholasville and Lexington;” and they have passed a bill entitled “an act to provide for the appointment of a keeper

to the public buildings, and for other purposes," in which they request the concurrence of the senate.

And then he withdrew.

The latter bill was read the first time and ordered to be read a second time.

A message from the house of representatives, by Mr. Baylor :

Mr. Speaker—The house of representatives have passed bills of the following titles, to wit : An act further to suspend law process in certain cases ; and an act concerning trustees of towns ; in which they request the concurrence of the senate.

And then he withdrew.

The said bills were severally read the first time, and the latter was rejected. The rule being dispensed with, the former was read a second and third time.

Resolved, That the said bill do pass, and that Mr. Bledsoe inform the house of representatives thereof.

A message from the house of representatives, by Mr. Fletcher :

Mr. Speaker—The house of representatives have passed a bill from the senate entitled "an act to authorise a lottery for the benefit of the contributors of the Fayette Hospital," and "an act for the benefit of James S. Magowan."

And then he withdrew.

A message from the house of representatives, by Mr. Rowan :

Mr. Speaker—The house of representatives concur in the amendments proposed by the senate to a bill entitled "an act for the benefit of the heirs of Richard Blanton, deceased, and of William R. Hynes."

And then he withdrew.

A message from the house of representatives, by Mr. Tribble :

Mr. Speaker—The house of representatives have passed a bill entitled "an act for the benefit of John Poage, of Green-up county ;" in which they request the concurrence of the senate.

And then he withdrew.

The bill was read the first time : and the rule being dispensed with, it was read a second time, amended and read a third time.

Resolved, That the said bill as amended do pass, and that Mr. Barry inform the house of representatives thereof and request their concurrence in the amendment.

A message from the house of representatives, by Mr. Baylor :

Mr. Speaker—The house of representatives insist on their amendment to a bill from the senate entitled “an act to repeal the acts concerning billiard tables.”

And then he withdrew.

Resolved, That the senate insist on their disagreement to said amendment, and that Mr. Bledsoe inform the house of representatives.

A message from the house of representatives, by Mr. Fletcher :

Mr. Speaker—The house of representatives disagree to the amendment proposed by the senate to a bill entitled “an act to amend the act to compel circuit judges to move into and reside within their circuits.”

And then he withdrew.

Resolved, That the senate recede from their amendment, and that Mr. Simrall inform the house of representatives thereof.

A message from the house of representatives, by Mr. Robinson :

Mr. Speaker—The house of representatives concur in the amendments proposed by the senate to a bill entitled “an act to amend the act to amend and reduce into one the several acts respecting the militia.” with an amendment, in which they request the concurrence of the senate.

And then he withdrew.

The amendment was taken up, read and concurred in.

Ordered, That Mr. Simrall inform the house of representatives thereof.

A message from the house of representatives, by Mr. Thompson :

Mr. Speaker—The house of representatives have passed a bill from the senate entitled “an act for the benefit of the trustees of Harrodsburg,” with an amendment, in which they request the concurrence of the senate.

And then he withdrew.

The amendment was taken up and concurred in.

Ordered, That Mr. Owens inform the house of representatives thereof.

A message from the house of representatives, by Mr. Chew :

Mr. Speaker—The house of representatives have passed a bill entitled “an act to alter the mode of laying county levy ;” in which they request the concurrence of the senate.

And then he withdrew.

The bill was read the first time ; and the question being taken on a second reading thereof, it was resolved in the affirmative—Yeas 14, nays 12.

The yeas and nays being required thereon by Messrs. Faulkner and Given, were as follows, to wit :

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Bledsoe, Bridges, Chambers, Griffin, Harrison, Hillyer, Owens, Parks, Perrin, Simrall, H. Taylor, Welch and Yancey.

Those who voted in the negative, are, Messrs. Bowmar, Churchill, Eve, Faulkner, Given, Hardin, Jones, Mason, Southgate, Thompson, Wickliff and Wood.

The said bill was ordered to be read a second time.

Mr. Simrall read and laid on the table the following resolution :

Resolved by the general assembly of the commonwealth of Kentucky, That the public printers be directed to print thirty-five hundred copies of the act passed at the present session, to amend the act to reduce into one the several acts respecting the militia, to be printed in a size and form to correspond with the present act on that subject ; and that the secretary of state cause to be distributed to each commissioned officer in the militia of this state, one copy.

The rule being dispensed with, it was taken up, twice read and adopted.

Ordered, That Mr. Simrall inform the house of representatives thereof, and request their concurrence.

On the motion of Mr. Bowmar, leave was given him to introduce a bill authorising trustees of schools to purchase and hold lands for the benefit of the schools ; which was read the first time. The rule being dispensed with, it was read the second time, amended and ordered to be engrossed and read a third time.

Mr. Johnson moved to dispense with the third reading thereof ; and the question being taken thereon, it was resolved in the negative, a majority of four-fifths not voting for dispensing with the rule—Yeas 18, nays 5.

The yeas and nays being required thereon by Messrs. Crutcher and R. Taylor, were as follows, to wit :

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Barry, Bledsoe, Bowmar, Bridges, Chambers, Faulkner, Hardin, Johnson, Mason, Perrin, Simrall, Southgate, Thompson, Welch, Wood and Yancey.

Those who voted in the negative, are, Messrs. Churchill, Crutcher, R. Taylor, H. Taylor and Worthington.

A message from the house of representatives, by Mr. Ward :

Mr. Speaker—The house of representatives have passed a bill entitled “an act to establish a town at the court-house in the county of Greenup ;” in which they request the concurrence of the senate.

And then he withdrew.

The bill was read the first time ; and the rule being dispensed with, it was read a second and third time.

Resolved, That the said bill do pass, and that Mr. Bledsoe inform the house of representatives thereof.

The senate received a message in writing from the lieutenant governor, by Mr. Waggener, containing certain nominations ; which was taken up and read as follows, to wit :

Gentlemen of the Senate,

I nominate for your advice and consent—Benjamin F. Dupuy, division quartermaster of the 6th division.

John Douthart, major of the 88th regiment, in place of Andrew Mitchell, promoted.

GABL. SLAUGHTER.

February 3d, 1818.

Resolved, That the senate advise and consent thereto, and that Messrs. Bartlett and Jones acquaint the lieutenant governor therewith.

On the motion of Mr. Johnson, leave was given him to introduce a bill authorising the independent banks to deal in the stock of the bank of Kentucky, of the United States, and of the United States’ bank ; which was read the first time. The rule being dispensed with, it was read the second time and ordered to be engrossed and read a third time ; and having been engrossed, was read a third time accordingly.

Resolved, That the said bill do pass, and that the title be “an act authorising the independent banks to deal in the stock of the bank of Kentucky, of the United States, and of the United States’ bank.”

Ordered, That Mr. Johnson do carry said bill to the house of representatives and request their concurrence.

A message from the house of representatives, by Mr. Sanford :

Mr. Speaker—The house of representatives have passed a bill from the senate entitled “an act concerning certain trespasses on lands.”

And then he withdrew.

A message from the house of representatives, by Mr. Coffey :

Mr. Speaker—The house of representatives have passed a bill from the senate entitled “an act declaring part of Green river navigable.”

And then he withdrew.

A message from the house of representatives, by Mr. Butler :

Mr. Speaker—The house of representatives have passed bills from the senate of the following titles, to wit : An act to incorporate the Gallatin Steam Mill Company ; and an act authorising Roger Oats to open a road from Monticello to the Tennessee line.

And then he withdrew.

A bill from the house of representatives entitled “an act authorising certain justices of the county courts to award injunctions, writs of *ne exeat* and *habeas corpus*,” was read a third time.

Resolved, That the said bill do pass, and that Mr. Crutcher inform the house of representatives thereof.

Mr. Yancey, from the joint committee of enrolments, reported that they had examined sundry enrolled bills, of the following titles, to wit : An act authorising certain justices of the county courts to award injunctions, writs of *ne exeat* and *habeas corpus* ; an act for the benefit of the heirs of Richard Blanton, deceased ; an act authorising lotteries in Nicholasville and Lexington ; an act further to regulate the town of Harrodsburg ; an act to amend an act entitled an act to amend and reduce into one the several acts respecting the militia ; an act to amend an act to compel the circuit judges of this commonwealth to move into and reside within their respective circuits ; and an act to continue in force an act to suspend law process in certain cases ; and had found the same truly enrolled.

A message from the house of representatives, by Mr. Duncan :

Mr. Speaker—The speaker of the house of representatives having signed sundry enrolled bills, I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

Whereupon the speaker signed said bills, being the same just reported by Mr. Yancey, and they were delivered to the joint committee of enrolments, to be presented to the lieutenant governor for his approbation. And after a short time, Mr. Yancey reported that the committee had performed that duty.

Resolved by the senate, That Mr. Owens be requested to inform the house of representatives that they have finished the legislative business before them, and are now ready to adjourn without day.

Mr. Faulkner, from the joint committee of enrolments, reported that they had examined sundry enrolled bills, of the following titles, to wit: An act to incorporate the Gallatin Steam Mill Company; an act concerning certain trespasses on lands; an act declaring part of Green river navigable; an act authorising Roger Oats to open a road from Monticello to the Tennessee line; and had found the same truly enrolled.

A message from the house of representatives, by Mr. Butler:

Mr. Speaker—The speaker of the house of representatives having signed sundry enrolled bills, I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

Whereupon the speaker signed said bills, being the same just reported by Mr. Faulkner, and they were delivered to the joint committee of enrolments, to be presented to the lieutenant governor for his approbation. And after a short time, Mr. Faulkner reported that they had performed that duty.

On the motion of Mr. Owens, leave was given him to introduce a bill for the benefit of Martha Snodgrass, which was read the first time; and the rule being dispensed with, it was read a second time, amended and ordered to be engrossed and read a third time; and having been engrossed, was read accordingly.

Resolved, That the said bill do pass, and that the title be "an act for the benefit of Martha Snodgrass."

Ordered, That Mr. Owens do carry said bill to the house of representatives and request their concurrence.

The senate received information from the lieutenant governor, by Mr. Secretary Pope, that he did on yesterday approve and sign sundry enrolled bills, which originated in the senate, of the following titles, to wit: An act authorising county courts to discontinue public roads; an act for the benefit of James S. Magowan; an act for the benefit of Charlotte Greer and the heirs of Moses Greer, deceased; an act authorising the county court of Harrison to lay an additional levy; an act for the relief of James Swiggett, of Casey county; an act to amend an act to incorporate the Kentucky Insurance Company; an act supplemental to the

act incorporating Sanders Manufacturing Company; an act to authorise the trustees of Maysville, in Mason county, to increase their tax; an act to authorise the county courts of Shelby and Nelson to build a permanent bridge across Salt river; an act to repeal the act for the more speedy recovery of the custody of children or wards; an act to amend and reduce into one the several acts concerning the town of Shelbyville; an act allowing further time to survey seminary lands in this commonwealth, and for other purposes; resolutions relative to the extinguishment of the Indian title to certain lands in this commonwealth; an act for the benefit of the citizens of Lebanon, in Washington county.

Ordered, That the clerk inform the house of representatives thereof.

A resolution from the house of representatives, fixing the prices of public printing, was taken up, and Mr. Owens offered the following resolution as a substitute, to wit:

Resolved by the general assembly of the commonwealth of Kentucky, That the rates to be allowed for the public printing in future, shall be thirty cents per thousand ems and thirty cents per token, for the Journals of each house and the Laws, and all other kinds of public printing at the rates now allowed for that work; and the auditor of public accounts, in settling the accounts of the public printer, shall calculate at the foregoing rates.

Mr. Johnson then moved to lay the resolution, with the amendment, on the table; and the question being taken thereon, it was resolved in the affirmative—Yeas 12, nays 11.

The yeas and nays being required thereon by Messrs. Owens and Wood, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Bartlett, Barry, Bledsoe, Bowmar, Chambers, Hardin, Hillyer, Johnson, Perrin, H. Taylor, Thompson and Yancey.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Churchill, Faulkner, Griffin, Jones, Mason, Owens, Simrall, R. Taylor, Wickliff and Wood.

Mr. Faulkner offered the following resolution, viz.

Resolved by the general assembly of the commonwealth of Kentucky, That the next session of the general assembly shall convene and be held in the town of Lexington.

Which being read and the rule dispensed with, Mr. Welch moved to lay the same on the table until the 10th day of July next.

A message from the house of representatives, by Mr. Baylor :

Mr. Speaker—The house of representatives have adopted the following resolution, to wit :

IN THE HOUSE OF REPRESENTATIVES, Feb. 3, 1818.

Resolved by the general assembly of the commonwealth of Kentucky, That the resolution to adjourn on this day *sine die*, be rescinded ; and that when they adjourn on Wednesday the 4th inst. they will adjourn *sine die*.

Extract, &c.—Att.

R. S. TODD, C. H. R.

In which they request the concurrence of the senate.

And then he withdrew.

The resolution was taken up and concurred in.

Ordered, That Mr. Johnson inform the house of representatives thereof.

The resolution from the house of representatives “ approbatory of the military conduct of colonel Richard Taylor,” was taken up and read.

Mr. Barry offered an amendment thereto as a substitute therefor, which was also read.

Mr. Simrall then moved that the resolution and substitute be laid on the table indefinitely ; which was done accordingly, and the clerk directed by the senate to omit spreading the substitute on the journal.

A message from the house of representatives, by Mr. Ward :

Mr. Speaker—The house of representatives concur in the amendment proposed by the senate to a bill entitled “ an act for the benefit of John Poage, of Greenup county.”

And then he withdrew.

A message from the house of representatives, by Mr. Rowan :

Mr. Speaker—The house of representatives have passed a bill from the senate entitled “ an act authorising the independent banks to deal in the stock of the bank of Kentucky, of the United States, and of the United States’ bank.”

And then he withdrew.

And then the senate adjourned.

The bill was read the first time ; and the rule being dispensed with, it was read a second time.

Mr. Johnson moved to strike out from the bill the paragraph appropriating \$ 3200 to the commissioners for finishing the capitol ; and the question being taken thereon, it was resolved in the affirmative—Yeas 16, nays 14.

The yeas and nays being required thereon by Messrs. Johnson and Given, were as follows, to wit :

Those who voted in the affirmative, are, Messrs. Chambers, Churchill, Crutcher, Faulkner, Given, Griffin, Harrison, Hillyer, Johnson, Jones, Mason, Owens, Wilson, Wood, Worthington and Yancey.

Those who voted in the negative, are, Messrs. Bartlett, Barry, Bledsoe, Bowmar, Bridges, Hardin, Perrin, Simrall, Southgate, R. Taylor, H. Taylor, Thompson, Welch and Wickliff.

Ordered, That Messrs. Owens, Johnson, Barry, Welch and Simrall be appointed a committee to enquire into the justness of the item in said bill allowing Gerard and Kendall \$ 1577.

The committee retired, and after a short time reported that said charge was correct.

The bill being further amended, was read a third time.

Resolved, That the said bill as amended do pass, and that Mr. Bowmar inform the house of representatives thereof and request their concurrence in said amendments.

Mr. R. Taylor, from the select committee to whom was referred a bill from the house of representatives entitled "an act adding part of the counties of Henry and Shelby to the county of Franklin," reported the same without amendment, and it was ordered to be laid on the table until the 10th of March next.

A message from the house of representatives, by Mr. Roberts :

Mr. Speaker—The house of representatives have passed a bill from the senate entitled "an act for the benefit of Martha Snodgrass."

And then he withdrew.

A message from the house of representatives, by Mr. G. Wall :

Mr. Speaker—The house of representatives have passed a bill from the senate entitled "an act for the benefit of Azariah Roberts."

And then he withdrew.

A message from the house of representatives, by Mr. J. Emerson :

Mr. Speaker—The house of representatives have passed bills from the senate of the following titles, to wit : An act allowing an additional number of justices of the peace to certain counties ; and an act for the benefit of Peter Simmerman, Andrew Erwin and Matthew Huling.

And then he withdrew.

A message from the house of representatives, by Mr. Barr :

Mr. Speaker—The house of representatives have passed enrolled bills of the following titles : An act authorising lotteries in Nicholasville and Lexington ; and an act to authorise a lottery for the benefit of the contributors of the Fayette Hospital ; the lieutenant governor's objections notwithstanding, a majority of all the members elected voting therefor.

And then he withdrew.

A message from the house of representatives, by Mr. Fleming :

Mr. Speaker—The house of representatives have passed a bill from the senate entitled " an act to provide for the distribution of the acts of congress in this commonwealth," with an amendment, in which they request the concurrence of the senate.

And then he withdrew.

The amendment was taken up, read and disagreed to.

Ordered, That the clerk inform the house of representatives thereof.

A message from the house of representatives, by Mr. Sharp :

Mr. Speaker—I am instructed by the house of representatives to inform the senate that they are now ready to proceed by a joint vote with the senate, to elect a commissioner on the part of this state to meet commissioners from the other states, under resolutions adopted at the present session relative to the navigation of the Ohio river ; and that Mr. John Adair alone stands in nomination before that house for said office.

And then he withdrew.

Ordered, That Mr. Owens inform the house of representatives that the senate are also ready to proceed to said election, and that Mr. John Adair alone stands in nomination for said office before the senate.

The senate then proceeded to said election, and Mr. John Adair received an unanimous vote.

Messrs. Johnson and Barry were appointed a committee on the part of the senate, to meet one on the part of the house of representatives, to examine and compare the votes, and report the state thereof.

The said committee retired, and after a short time returned; and Mr. Barry reported that Mr. John Adair had received an unanimous vote as commissioner on the part of this state.

Whereupon the speaker declared him duly elected.

A bill from the house of representatives entitled "an act to alter the mode of laying county levy," was read a second time.

Mr. Welch moved to lay it on the table until the 10th of March next; and the question being taken thereon, it was resolved in the affirmative—Yeas 14, nays 11.

The yeas and nays being required thereon by Messrs. Welch and Hardin, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Bartlett, Barry, Bledsoe, Bowmar, Churchill, Faulkner, Jones, Mason, Perrin, Southgate, R. Taylor, H. Taylor, Welch and Wickliff.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Bridges, Chambers, Griffin, Hardin, Harrison, Johnson, Owens, Simrall, Wilson and Yancey.

A message from the house of representatives, by Mr. Sharp:

Mr. Speaker—The house of representatives recede from their amendment to a bill from the senate entitled "an act to provide for the distribution of the acts of congress in this commonwealth."

And then he withdrew.

Mr. Chambers, from the joint committee of enrolments, reported that they had examined sundry enrolled bills of the following titles, to wit: An act for the benefit of Martha Snodgrass; an act allowing an additional number of justices of the peace to certain counties; an act authorising the independent banks to deal in the stock of the bank of Kentucky, of the United States, and of the United States' bank; an act for the benefit of Peter Simmerman, Andrew Erwin and Matthew Huling; an act concerning the town of Versailles; a resolution directing the public printers to print 3500 copies of the act of the present session concerning the militia; and had found the same truly enrolled.

A message from the house of representatives, by Mr. Barr :

Mr. Speaker—The speaker of the house of representatives having signed sundry enrolled bills, I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

Whereupon the speaker signed said bills, being the same just reported by Mr. Chambers, and they were delivered to the joint committee of enrolments, to be presented to the lieutenant governor for his approbation. And after a short time, Mr. Chambers, from said committee, reported that they had performed that duty.

Mr. Bledsoe moved the following resolution, to wit :

Resolved, That a committee be appointed to wait on the acting governor, and request of him leave to withdraw the report of the committee of enrolments, together with the bill which originated in the senate, entitled “an act authorising Roger Oats to open a road from Monticello to the Tennessee line;” the same having been erroneously signed by the speakers of both houses, as having passed the same, when in fact, as appears from the certificate of the clerk of the house of representatives on the engrossed bill, that the said bill did not pass, but was rejected by that house, and which by an erroneous report from that house to the senate was stated to have been passed.

Which being twice read was adopted, and Messrs. Bledsoe, Perrin and Chambers were appointed a committee pursuant thereto.

The lieutenant governor, by Mr. Secretary Pope, returned an enrolled bill, which originated in the senate, entitled “an act authorising Roger Oats to open a road from Monticello to the Tennessee line,” agreeably to the request of the senate.

A message from the house of representatives, by Mr. Baylor :

Mr. Speaker—The house of representatives have adopted a resolution rescinding the order for the adjournment of the legislature to-day, and fixing on to-morrow for the adjournment; in which they request the concurrence of the senate.

And then he withdrew.

The said resolution was taken up, twice read, and Mr. Faulkner moved to strike out the latter member of the resolution; and the question being taken thereon, it was resolved in the negative.—Yeas 8, nays 16.

The yeas and nays being required thereon by Messrs. Faulkner and Crutcher, were as follows, to wit :

Those who voted in the affirmative, are, Messrs. Bartlett, Crutcher, Faulkner, Mason, Perrin, Simrall, Thompson and Wickliff.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Barry, Bledsoe, Bowmar, Bridges, Chambers, Hillyer, Johnson, Jones, Owens, R. Taylor, H. Taylor, Welch, Wilson, Wood and Yancey.

The question was then taken on concurring in the resolution, and it was resolved in the negative—Yeas 9, nays 15.

The yeas and nays being required thereon by Messrs. Barry and Simrall, were as follows, to wit :

Those who voted in the affirmative, are, Messrs. Barry, Bledsoe, Bowmar, Chambers, Hillyer, Johnson, Owens, H. Taylor and Thompson.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Bartlett, Bridges, Crutcher, Faulkner, Jones, Mason, Perrin, Simrall, R. Taylor, Welch, Wickliff, Wilson, Wood and Yancey.

Ordered, That Mr. Crutcher inform the house of representatives thereof.

The speaker laid before the senate a letter from the commissioners for superintending the rebuilding of the state house, which was taken up and read as follows, to wit :

THE HONORABLE THE SPEAKER OF THE SENATE.

SIR—The commissioners for superintending the rebuilding of the state house, not having been able to complete the business assigned to them within the year just past, and not being required by the legislature to submit any report of their progress, it was deemed unnecessary to prepare any formal statement. The undersigned, however, beg leave to suggest, that the funds of the board (with the exception, perhaps, of some scattered subscriptions) are entirely exhausted ; and that without some further aid from the state, the building cannot be finished. Indeed there are accounts against the board now undischarged, which must be paid by the commissioners themselves, unless relieved by the liberality of the legislature.

Although the undersigned are fully aware that the conditions of the act under which they were appointed, do not enjoin it as a duty upon the legislature to make any appropriation to discharge the contracts of the commissioners ; yet when it is considered that the commissioners have executed, for three years past, a laborious duty, without any compen-

sation, and have moreover paid out of their own private funds, towards the erection of the building, the sum of 2400 dollars, it is not believed that the legislature of this flourishing commonwealth will require them to make up the deficiencies of estimates, which all men of experience know are unavoidable in the erection of large public works.

The undersigned can only say, that all possible economy has been made use of, consistent with the spirit of their instructions, contained in the act for the erection of the state-house; and that if an extraordinary rise had not taken place in labor and materials, soon after the commencement of the building, this appeal to the justice and liberality of the legislature would have been unnecessary.

JOHN BROWN,
WILLIAM HUNTER, } Comm'rs.
RICHARD TAYLOR, }
JEPHTAH DUDLEY, }

Frankfort, Feb. 4, 1818.

A message from the house of representatives, by Mr. Todd:

Mr. Speaker—The house of representatives disagree to the first amendment proposed by the senate, striking out the appropriation of \$ 3200 to the commissioners of the public buildings from the bill entitled “an act for the appropriation of money;” and they concur in the other amendments, with amendments to the sixth and seventh, in which they request the concurrence of the senate.

And then he withdrew.

The two latter amendments were taken up, read and concurred in.

The question being taken on receding from their first amendment, it was resolved in the affirmative—Yeas 14, nays 10.

The yeas and nays being required thereon by Messrs. Given and Harrison, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Bartlett, Bledsoe, Bowmar, Bridges, Chambers, Hardin, Perrin, Simrall, R. Taylor, H. Taylor, Thompson, Welch and Wickliff.

Those who voted in the negative, are, Messrs. Crutcher, Faulkner, Given, Harrison, Johnson, Jones, Owens, Wilson, Wood and Worthington.

Ordered, That the clerk inform the house of representatives thereof.

Mr. Given, from the joint committee of enrolments, reported that they had examined an enrolled bill entitled "an act for the appropriation of money," and had found the same truly enrolled.

A message from the house of representatives, by Mr. Davis :

Mr. Speaker—The speaker of the house of representatives having signed an enrolled bill entitled "an act for the appropriation of money," I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

Whereupon the speaker signed said bill, and it was delivered to the joint committee of enrolments, to be presented to the lieutenant governor for his approbation. And after a short time, Mr. Given, from said committee, reported that they had performed that duty.

The senate received information from the lieutenant governor, by Mr. Secretary Pope, that he did on to-day approve and sign sundry enrolled bills, which originated in the senate, of the following titles, to wit: An act concerning the town of Versailles; an act for the benefit of Martha Snodgrass; an act authorising the independent banks to deal in the stock of the bank of Kentucky, of the United States, and of the United States' bank; an act to provide for the distribution of the acts of congress in this commonwealth; a resolution directing the public printers to print 3500 copies of the act of the present session concerning the militia; an act for the benefit of Peter Simmerman, Andrew Erwin and Matthew Huling; an act allowing an additional number of justices of the peace to certain counties.

Ordered, That Mr. Simrall inform the house of representatives that the senate, having finished their legislative business, are now ready to adjourn without day.

Resolved by the general assembly of the commonwealth of Kentucky, That a committee of three from the senate and six from the house of representatives be appointed to wait on his excellency the lieutenant governor, and inform him that the general assembly have finished their legislative business, and are now ready to adjourn without day; and to know of him whether he has any farther communications to make.

And Messrs. Simrall, Given and Owens were then appointed a committee on the part of the senate pursuant to said resolution.

A message from the house of representatives, by Mr. Payne :

Mr. Speaker—I am instructed by the house of representatives to inform the senate that they have finished their legislative business, and are now ready to adjourn without day ; and have appointed a committee on their part, to co-operate with one from the senate, to wait on the lieutenant governor, to know of him whether he has any farther communications to make.

And then he withdrew.

Mr. Simrall, from the joint committee appointed to wait on the lieutenant governor and inform him of the proposed adjournment of the legislature, and to know whether he had any farther communications to make, reported that the committee had performed the duty assigned them, and that the lieutenant governor had signified to them that he had nothing farther to communicate.

The Speaker, after having delivered an appropriate and impressive valedictory address, adjourned the senate without day.

The Speaker having retired, Mr. Bledsoe was requested to take the chair, when Mr. Simrall moved the following resolution :

Resolved by the senate, That the thanks of this body are due to General Robert Ewing, for the impartial and able discharge of his duty as speaker of the senate during the present session.

Which was read and unanimously adopted.